



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JANUARY 6, 2003  
9:00 A.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

A communication from Vice-Mayor C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 13

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, FOR A COUNCIL/STAFF WORK SESSION.**



## ***COUNCIL WORK SESSION***

***JANUARY 6, 2003  
9:00 A.M.***

***ROOM 159***

### ***AGENDA***

1. Proposed structure for future Council work sessions.
2. Committee liaison reports by Council Members:

Mayor Smith:

The Mayor serves as ex-officio to all City committees.

- Hotel Roanoke Conference Center Commission

Vice-Mayor Harris:

- Roanoke Redevelopment and Housing Authority

Council Member Bestpitch:

- City of Roanoke Transportation Safety Commission
- Roanoke Neighborhood Partnership Steering Committee/Ad Hoc Study Committee
- Roanoke Valley-Alleghany Regional Commission

- Virginia's First Regional Industrial Facility Authority
- Finance Best Practices Task Force
- War Memorial Committee
- Total Action Against Poverty, Board of Directors

Council Member Carder:

- Special Events Committee
- Virginia's First Coalition of Cities
- War Memorial Committee
- Roanoke Valley-Alleghany Regional Commission
- Roanoke Neighborhood Partnership Steering Committee Ad Hoc Study Committee
- Roanoke Valley Convention and Visitors Bureau, Board of Directors

Council Member Cutler:

- Mill Mountain Advisory Committee
- Mill Mountain Zoo, Inc.
- Roanoke Arts Commission
- Roanoke Valley-Alleghany Regional Commission
- Roanoke Valley Long Range Water Supply Study Committee

Council Member Dowe:

- Roanoke Valley Regional Cable Television Committee

Council Member Wyatt:

- Mayor's Committee for People with Disabilities
- Roanoke Civic Center Commission
- Virginia CARES, Board of Directors
- Virginia Museum of Transportation, Board of Directors

3. Items for discussion at the February 4, 2003 Council/School Board Retreat.
4. Discussion with regard to scheduling of joint meetings of Council and certain Council-Appointed authorities, boards, commissions and committees (5:00 p.m. dinner meeting).

5. Discussion with regard to quarterly meetings of Council and the Roanoke County Board of Supervisors.
6. Other discussion items.



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JANUARY 6, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Floyd W. Davis, Pastor, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, January 9, 2003, at 7:00 p.m., and Saturday, January 11, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

**2. PRESENTATIONS AND ACKNOWLEDGMENTS:**  
**NONE.**

**3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

C-1 Minutes of the regular meeting of Council held on Monday, November 18, 2002. P 14

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. P 63

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Manager transmitting the proposed 2003-04 Budget Study calendar. P 64

RECOMMENDED ACTION: Concur in recommendation.

C-4 A communication from the City Manager recommending that Council authorize a public hearing to be held on Tuesday, January 21, 2003, with regard to surplus City-owned property, described as Official Tax Nos. 2011718, 2021789 and 2021788. P. 66

RECOMMENDED ACTION: Concur in recommendation.

- C-5            A communication from the City Manager recommending that Council authorize a public hearing to be held on Tuesday, January 21, 2003, with regard to lease of the Jefferson High School Gymnasium. P 67

RECOMMENDED ACTION: Concur in recommendation.

- C-6            A communication from the City Manager recommending that Council authorize a public hearing to be held on Tuesday, January 21, 2003, with regard to lease of the Commonwealth Building. P 68

RECOMMENDED ACTION: Concur in recommendation.

- C-7            A communication from the City Manager recommending that Council authorize a public hearing to be held on Tuesday, January 21, 2003, with regard to vacation of sewer and drainage easements on Wildwood Road, S. W. P 69

RECOMMENDED ACTION: Concur in recommendation.

- C-8            Qualification of the following persons:

Jesse A. Hall as a member of the Roanoke Valley Juvenile Detention Center Commission, for a term ending June 30, 2006;

The Honorable John B. Ferguson and The Honorable Julian H. Raney as members of the Court Community Corrections Program Regional Criminal Justice Board, for terms ending June 30, 2005;

Carl D. Cooper as a member of the Roanoke Neighborhood Partnership Steering Committee, for a term ending November 30, 2005;

A. L. Gaskins as a member of the Regional Policy Board, Alcohol Safety Action Program, for a term ending June 30, 2004;



Alma L. Lee as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2005; and

Robert Williams, Jr., as a member of the Blue Ridge Behavioral Healthcare, Board of Directors, for a term ending December 31, 2005.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS: NONE.**

### **6. REPORTS OF OFFICERS:**

#### **a. CITY MANAGER:**

BRIEFINGS: NONE.

#### ITEMS RECOMMENDED FOR ACTION:

1. A communication with regard to amendment of the 2002-03 Consolidated Plan Annual Update and execution of a CDBG Agreement with Blue Ridge Housing Development Corporation, Inc. 

P 70; B/O 95; R 96
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2. A communication with regard to a City Code amendment to extend responsibility for weeds and trash on public rights-of-way along streets and alleys to the owners of adjacent private property. 

P 97; O 99
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3. A communication in connection with appropriation of funds to complete payment of job grants to Carilion Health System. 

P 101; B/O 103
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4. A communication with regard to award of a contract for new concrete sidewalks, entrances and curb, Phase VIII. P 104;  
B/O 108

5. A communication with regard to a grant application on behalf of the Virginia CARES Program. P 109;  
R 111

6. A communication with regard to an advertising policy for City publications. P 112;  
R 114

b. DIRECTOR OF FINANCE:

1. Financial report for the month of November 2002. P 117

**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

a. A Resolution amending Paragraph 2(a) of Resolution No. 35958-070102, which established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and terminating June 30, 2003, in order to change the time of commencement of the regular meetings of City Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m. R 135

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL STAND IN RECESS UNTIL FRIDAY, JANUARY 17, 2003, AT 12:00 NOON, FOR THE REGIONAL LEADERSHIP SUMMIT LUNCHEON TO BE HOSTED BY THE CITY OF ROANOKE AT CENTER IN THE SQUARE, ONE MARKET SQUARE, S. E., ROANOKE, VIRGINIA.**

***MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING***

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**

William D. Bestpitch  
William H. Carder  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
C. Nelson Harris  
Linda F. Wyatt

January 6, 2003

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I wish to request a Closed Meeting to discuss the performance of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "C. Nelson Harris". The signature is written in a cursive style.

C. Nelson Harris, Chair  
City Council Personnel Committee

CNH:sm

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**November 18, 2002**

**2:00 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, November 18, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----6.**

**ABSENT: Council Member Alfred T. Dowe, Jr.-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by The Reverend Earl Robertson, Pastor, Roanoke First Church of the Nazarene.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.**

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**ACTS OF ACKNOWLEDGMENT: The Mayor advised that some time ago, Council Member Carder recommended and the Council concurred that the City of Roanoke should recognize those citizens who go above and beyond the call of duty to be of service to their fellow man and to their community. On behalf of the Members of Council, he stated that he was pleased to recognize Ms. Janine Palma VanDenBerg and Ms. Louise Scott, representing the Roanoke Valley Mopar Club.**

**The Mayor advised that Ms. VanDenBerg volunteers at the Rescue Mission in the Women's Shelter; she assists in fund raising efforts for the homeless population and she is an advocate for the rights of the down trodden and disadvantaged in the Roanoke community.**

**The Mayor further advised that the Roanoke Valley Mopar Club goes above and beyond the call of duty every year to raise money for St. Jude's Hospital, which is a children's hospital that is a patron's saint for children with severe illness.**

**He presented Ms. VanDenBerg and Ms. Louise Scott, on behalf of the Roanoke Valley Mopar Club, with "Shining Star" awards.**

**PROCLAMATIONS: The Mayor presented a proclamation declaring the week of November 24-30, 2002, as Roanoke Family Week.**

**SPORTS ACTIVITIES-ROANOKE CIVIC CENTER: Joseph Preseren, Team President, The Roanoke Dazzle Basketball Team, advised that the season started last weekend, and he commended Roanoke Civic Center staff on their management of a myriad of civic center events. He stated that attendance is up, preseason sales are significantly higher than last year's sales, and the team is optimistic and looks forward to a great season.**

**Kent Davison, Head Coach, Roanoke Dazzle Basketball Team, advised that this year, the Roanoke Dazzle has played two exhibition games and two regular season games, and called attention to two local recognizable players, Cory Alexander and Jamaal Robinson, whose presence will cause an increase in attendance. He commended the City on the quality of office space and locker rooms provided for the Roanoke Dazzle which compete favorably with professional team locker rooms. He stated that the Roanoke Dazzle team and staff are now firmly entrenched in the Roanoke Valley and offered their assistance to the community.**

### **CONSENT AGENDA**

**The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.**

**MINUTES: Minutes of the regular meeting of City Council held on Monday, October 3, 2002, and recessed until Sunday, October 6, 2002, were before the body.**

**Mr. Cutler moved that the reading of the minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote.**

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.**

**Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.**

**Mr. Cutler moved that Council concur in the request of Council Member Carder to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**



**PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Dowe was absent.)

**CITY ATTORNEY-CITY COUNCIL:** A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2.-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Dowe was absent.)

**COMMITTEES-BLUE RIDGE COMMUNITY SERVICES:** A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence by Council in the reappointment of Linda H. Bannister as an at large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005, was before the body.

It was further advised that the current term of Ms. Bannister as an at large representative will expire on December 31, 2002; according to §37.1-196, Code of Virginia, 1950, as amended, Community Services Board members are eligible for three full three-year terms; therefore, it is requested that Council ratify the reappointment of Ms. Bannister for a second term, from January 1, 2003, through December 31, 2005; and By-Laws of the Board require that appointments of at large members be ratified by all five participating localities.

Mr. Cutler moved that Council concur in the reappointment of Linda H. Bannister as an at large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP:** A communication from Christine Profitt tendering her resignation as a member of the Roanoke Neighborhood Partnership Steering Committee, was before Council.

Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY:** An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL-CITY PROPERTY:** An oral request of the City Manager that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

#### REGULAR AGENDA

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS: NONE.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

**PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION-LEASES:**

The City Manager submitted a communication advising that the Commonwealth of Virginia, Department of Historic Resources (DHR), operates the Roanoke Regional Preservation Office from the Buena Vista Recreation Center; even though use of the facility involves limited office and storage space, DHR has made approximately \$10,000.00 worth of improvements to the leased space at Buena Vista Recreation Center; and these positive changes are consistent with the departmental direction noted within the Comprehensive Master Plan of Roanoke Parks and Recreation.

It was further advised that the unexecuted Lease Agreement, authorized by Council pursuant to Ordinance No. 33798-051898 between the City of Roanoke and DHR was to expire in February 2001; following minor modifications to the Agreement, DHR has agreed to continuing use of a portion of the facility; and renewal of the revised lease provides for a term retroactive to March 2002 for a term of five years at no fee with the option to renew for one additional term.

The City Manager recommended that she be authorized to execute the Lease Agreement with the Department of Historic Resources, upon approval as to form by the City Attorney.

Mr. Carder offered the following ordinance:

(#36125-111802) AN ORDINANCE authorizing entering into a lease agreement between the City and the Commonwealth of Virginia, Department of Historic Resources, for certain space in the Buena Vista Recreation Center, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, Page 509.)

Mr. Carder moved the adoption of Ordinance No. 36125-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**BUDGET-EMERGENCY SERVICES:** The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving Firefighter/EMTs from the Cities of Roanoke and Salem; in July 2000, the City renewed its agreement to participate in a Level III Regional Response Team; and the purpose of the report is to request, for the next two fiscal years (July 2002- June 2004), authorization for another bi-annual agreement to keep funding and reimbursement needs current.

It was further advised that the City of Roanoke benefits in several ways from the contract; the City receives reimbursement for training, team member physical examinations and purchase of related equipment; and without the State contract, the City would still have a need for a hazardous materials response team, but would not have the corresponding benefit of being a reimbursed regional provider.

It was explained that the present VDEM hazardous materials team contract expired on June 30, 2002; VDEM agreed to sign a new, two year agreement and to furnish \$15,000.00 per year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and "pass-through" funding totaling \$15,000.00 has been received from VDEM and deposited in revenue Account No. 035-520-3225-3225.

The City Manager recommended that Council authorize execution of a new contract and "pass-through" funding, which honors the two-year VDEM hazardous materials team contract for the period July 1, 2002, until June 30, 2004, and appropriate \$15,000.00 as follows: \$10,000.00 to Expendable Equipment and \$5,000.00 to Training and Development under the Hazardous Materials Response Team Grant (035-520-3225-2035 and 035-520-3225-2044), and establish a revenue estimate of \$15,000.00.

Mr. Carder offered the following budget ordinance:

(#36126-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, Page 509.)

Mr. Carder moved the adoption of Ordinance No. 36126-111802. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**Mr. Carder offered the following resolution:**

**(#36127-111802) A RESOLUTION authorizing the City Manager to enter into a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team and to accept "pass-through" funding in the amount of \$15,000.00.**

**(For full text of Resolution, see Resolution Book No. 66, Page 510.)**

**Mr. Carder moved the adoption of Resolution No. 36127-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**POLICE DEPARTMENT: The City Manager submitted a communication advising that design of the new police building at 348 West Campbell Avenue has always included a space directly in front of the door for a monument, or memorial, to recognize the sacrifice of fallen police officers; a committee of Police Department employees worked with the Roanoke Arts Commission to develop a fitting memorial; solicitations for proposal were sent to artists regionally, with four artists submitting potential designs for consideration; and a quality statue at this highly visible location would promote the arts in the City of Roanoke.**

**It was further advised that Blacksburg sculptor, Lawrence Reid Bechtel, one of the four artists offering works for review, submitted a proposed work entitled, "Officer Down", which has been displayed within the Police Department and is recommended by the joint Police Department/Arts Commission Committee; production of the**

monument is anticipated to take approximately one year following execution of a contract, at an anticipated cost of \$96,500.00; and funding is available in Account No. 008-640-9902-9132.

The City Manager recommended that she be authorized to enter into a contract with Lawrence Bechtel, in a form to be approved by the City Attorney, and to advertise for bids for architectural and construction work associated with completion of the project.

Mr. Bestpitch offered the following resolution:

(#36128-111802) A RESOLUTION authorizing execution of an agreement between the City of Roanoke and Lawrence Reid Bechtel, doing business as Heady Stuff Studio, providing for development and creation of a statue to memorialize fallen law enforcement officers to be erected in front of the Police Department at 348 West Campbell Avenue.

(For full text of Resolution, see Resolution Book No. 66, Page 511.)

Mr. Bestpitch moved the adoption of Resolution No. 36128-111802. The motion was seconded by Mr. Carder.

Captain William Althoff, Roanoke City Police Department, advised that the design of the front of the new police building was intended for the placement of a statue to honor fallen police officers. He stated that the Roanoke Arts Commission assisted the Fallen Police Officers Memorial Committee by making announcements to persons affiliated with the art network as to the City of Roanoke's interest in commissioning a statue to memorialize fallen police officers, and a variety of artists viewed the site prior to submitting their proposal. He advised that \$70,000.00 for the sculpture will be taken from the 2000-01 CMERP fund which represent funds that were carried over, and the remainder of the funds will be taken from 2001-02 CMERP funds. He introduced Lawrence Reid Bechtel, who was selected by the committee to sculpt the proposed fallen police officers statue.

For demonstration purposes, Mr. Bechtel presented a small model designed to scale of the site. He advised that he interviewed police officers and took an actual incident and tried to symbolize the way in which police officers place their lives on the line everyday. He stated that he endeavored to capture a sense of ministry between police officers, the police department and the community, and the proposed sculpture is intended to portray kinship and a sense that all citizens share a responsibility to join hands with those who are fallen and in need.

Robert L. Humphrey, Vice-Chair, Roanoke Arts Commission, and liaison from the Roanoke Arts Commission to the Fallen Police Officer Memorial Committee, advised that his role was to facilitate in the artist selection process. He stated that the Arts Commission assisted the committee in drafting a prospectus which was mailed to a variety of sculptors announcing the project and the ensuing selection process. Following receipt of proposals, he added that he assisted with the arts process, the end result of which was the selection of Mr. Bechtel. He advised that the Roanoke Arts Commission applauds the selection committee on its efforts to bring the project to this point, the Arts Commission supports this most deserved project, and encourages favorable consideration of funding by Council.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended all persons involved in the fallen police officer memorial and advised that the City can never do enough to honor those police officers who endanger their lives every day to protect others; however, he stated that it was just two weeks ago that Council discussed a \$387,000.00 shortfall to the City's budget as a result of State budget cuts. He stated that there is discussion about cutting back on library hours, and eliminating school teacher positions, etc., therefore, he questioned whether the statue is an expenditure that the City should make at this time in view of the budget situation; and advised that it might be more appropriate to delay action on the expenditure. He stated that \$96,000.00 is the equivalent of more Police Officers, and spoke in support of soliciting donations from private enterprise/interests to fund this worthy project.

Council Member Bestpitch advised that the voters of the City of Roanoke elected City Council to set policy and to determine the budget for the City; the voters also elect representatives to the Virginia General Assembly and to the United States Congress; those persons who represent the citizens in Richmond and Washington have created a "mess" and the "mess" they have created is now resulting in reductions in services at Roanoke's libraries and cuts in funding for law enforcement, etc. He stated that if citizens want to make changes, they have it within their power as voters to do so; however, it is not appropriate to lay the responsibility for resolving the problems at the feet of City Council, when the problems were created by the General Assembly and the United States Congress and they need to find a solution.

Vice-Mayor Harris expressed appreciation to Mr. Bechtel, the Roanoke Arts Commission and to those who served on the Fallen Police Officers Memorial Committee, and advised that the proposed statue will be an asset not only as a piece of art, but as a memorial to fallen police offices. He explained that the sculpture will be funded by CMERP funds which are funds that are set aside for one time capital projects and not general operating expenses that will be incurred annually.



Council Member Wyatt called attention to the amount of counseling involved in the work of a police officer, therefore, the proposed sculpture is most fitting. She commended Mr. Bechtel for touching on that part of a police officers' responsibility.

The Mayor advised that Mr. Howard's comments are not totally out of place in regard to priorities for spending City funds. However, he stated that he is pleased with Mr. Bechtel's proposal and the sculpture will complete the front of the police building which was designed with a memorial in mind.

Resolution No. 36128-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt  
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**CITY PROPERTY-HOUSING/AUTHORITY-DOWNTOWN NORTH:** The City Manager submitted a communication advising that the City currently owns several parcels of land along Gainsboro Road, N. W., suitable for potential development of a mixed-use community; the City desires the opportunity to consider entering into a contractual agreement with a real estate developer who has submitted the successful proposal for development of the property; although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above referenced services; the experience, qualifications, and references of firms that can provide the real estate development proposal are of equal, if not greater, importance than the cost; additional issues, other than price, include development experience, employee training, customer responsiveness, marketing, and financial capacity; therefore, the process of competitive negotiation using the request for proposal process has been identified as the best method for procurement of these services.

It was further advised that the Code of the City of Roanoke, (1979), as amended, provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; however, prior approval by Council is necessary; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure a development company for development of City-owned property along Gainsboro Road, N. W.

Mr. Carder offered the following resolution:

(#36129-111802) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used to secure a real estate development company for development of the city-owned property along Gainsboro Road, N. W.; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 66, Page 512.)

Mr. Carder moved the adoption of Resolution No. 36129-111802. The motion was seconded by Mr. Bestpitch.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed opposition inasmuch as the various neighborhood organizations in Gainsboro have not been afforded an opportunity to review the proposals. She stated that residents of the area are concerned because they were previously advised that the various presidents/officers of each neighborhood organization within Gainsboro would be kept informed as to matters affecting the Gainsboro community. She explained that there are three neighborhood organizations that work together and each have different interests pertaining specifically to the area in which they live; and a neighborhood comprehensive plan is currently being prepared by City staff and it was the understanding of Gainsboro residents that no real development would be undertaken in the area until the neighborhood comprehensive plan was completed by City staff and approved by Council. She inquired as to the location of the property and requested, before taking action on the matter, that a map of the area be prepared and that a meeting be held with neighborhood organizations to identify the location of the property.

The City Manager clarified that no proposals have been received, no developer has been selected, and the item before Council is a request for authorization to solicit proposals. She explained that provisions of the City's Procurement Code require approval by Council in order to engage in competitive negotiation.

Using the competitive negotiation process, Ms. Bethel inquired as to which developers will be contacted and how will the developer be selected. She expressed concern with regard to the process that will be used by the City.

Mr. Harris called for the question. The motion was seconded by Mr. Carder and adopted.

Resolution No. 36129-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt  
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**REFUSE COLLECTION-EQUIPMENT:** The City Manager submitted a communication advising that on October 25, 2002, Invitation for Bid #02-09-22 for five side loading refuse cab and chassis and five "one-armed bandit" bodies was opened; five bids were received for the cabs and chassis and five bids were received for the bodies; during evaluation of the bids, an error in the specifications was discovered which requires that the bids be rejected; and updated specifications have been completed and a new invitation for bid can be issued immediately following rejection of all bids.

It was further advised that an error was made in the submission of old specifications, rather than new specifications to the Purchasing Department; and a new sign-off procedure will now be initiated to avoid future errors.

The City Manager recommended that Council reject all bids received on Invitation for Bid #02-09-22, and reissue an invitation for bid for five side loading refuse cab and chassis and five "one-armed bandit" bodies, pursuant to revised specifications.

Mr. Carder offered the following resolution:

(#36130-111802) A RESOLUTION rejecting all bids for five side loading refuse cab and chassis and five "one-armed bandit" bodies.

(For full text of Resolution, see Resolution Book No. 66, Page 513.)

Mr. Carder moved the adoption of Resolution No. 36130-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council Member Wyatt inquired as to the dollar amount expended to date for solid waste collection; whereupon, the City Manager advised that the information will be provided at a later date.

The Mayor inquired if the technical change will rule out any of the five bidders whose bids are proposed to be rejected; whereupon, the City Manager advised that the expectation is that the City would get an equal, if not larger number of bids, as a part of the next bidding process.

**BUDGET-FDETC:** The City Manager submitted a communication advising that the City of Roanoke is the grant recipient and fiscal agent for Workforce Investment Act (WIA) funding, thus, Council must appropriate funds for all grants and other monies received; Workforce Investment Act for the region, Workforce Area 3, encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for the following three primary client populations:

dislocated workers who have been laid off from employment through no fault of their own,

economically disadvantaged individuals as determined by household income guidelines set up by the U. S. Department of Labor, and

**WIA Youth Programs**

It was further advised that Notice of Obligation has been received from the Virginia Employment Commission authorizing Workforce Area 3 to spend \$209,792.00 for the Adult Program, which serves economically disadvantaged persons and \$198,544.00 for the Dislocated Worker Program, which serves persons laid off from their

jobs through no fault of their own; the Virginia Employment Commission has issued a Notice of Obligation dated September 10, 2002, authorizing Workforce Area 3 to spend a total of \$25,000.00 to purchase and install Virginia Workforce Center signs, which funds are available from July 1, 2002 through June 30, 2003; the Fifth District Employment and Training Consortium, pursuant to agreement with the City of Roanoke, administers funding for Workforce activities not included in the identified WIA program categories; and the Consortium has received funding in the amount of \$50,000.00 from the State Department of Social Services to operate the Opportunity Knocks Program for Workforce Area 3, which provides services to eligible youth from October 1, 2002 through June 30, 2003.

The City Manager recommended that Council appropriate Workforce Investment Act and Fifth District Employment and Training Consortium funding totaling \$483,336.00, and increase the revenue estimate by \$483,336.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Bestpitch offered the following budget ordinance:

(#36131-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 514.)

Mr. Bestpitch moved the adoption of Ordinance No. 36131-111802. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**SIDEWALK/CURB AND GUTTER-BUDGET-NEWSPAPERS:** The City Manager submitted a communication advising that Salem Avenue from Jefferson Street to 5<sup>th</sup> Street, S. W., was identified as a special project for curb and sidewalk improvements; the first phase, First Street to Second Street in the area of the new Roanoke Times Building, is to be constructed in the summer of 2003; and proposals for design services were received from Hayes, Seay, Mattern & Mattern, Inc., LMW, P.C., and Anderson & Associates, Inc.

It was further advised that a selection committee consisting of City employees selected Hayes, Seay, Mattern & Mattern, Inc., as the most qualified for the project; City staff has negotiated an acceptable agreement for the above work in the amount of \$54,734.00; funding in the amount of \$60,000.00 is needed for the project, with additional funds that exceed the contract amount to be used for miscellaneous project expenses including advertising, printing and unforeseen project expenses; and funding is available from Public Improvement Bonds – Series 2002, Account No. 008-530-9711-9195.

The City Manager recommended that Council transfer \$60,000.00 from Public Improvement Bonds – Series 2002, Account No. 008-530-9711-9195, to an account to be established by the Director of Finance entitled, Salem Avenue Streetscape.

Mr. Carder offered the following budget ordinance:

(#36132-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of the ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 516.)

Mr. Carder moved the adoption of Ordinance No. 36132-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**HUMAN DEVELOPMENT-LEASES:** The City Manager submitted a communication advising that in November 2001, the City of Roanoke entered into a lease agreement for office space with Blue Eagle Partnership for property located at The Civic Mall, 1501 Williamson Road; the Department of Human Services will relocate its offices to The Civic Mall; term of the lease is for 20 years, commencing on June 1, 2003, and expiring on May 31, 2023; prior to the commencement date, the Lessor will complete renovations and improvements to the premises in an amount not to exceed \$2,497,080.00; in the event that improvements exceed \$2,497,080.00, the cost will be amortized over the term of the Lease and such amortization payments will be included in monthly rental

payments as additional rent; and additionally, the lease has a nonappropriation provision which provides that the City shall have the right to terminate the Lease without penalty or further obligation in the event Federal, State or Municipal government does not appropriate necessary funds for the lease.

It was further advised that both parties desire to amend the Lease Agreement to reflect a dollar limit to the cost of improvements; Blue Eagle Partnership has agreed to be responsible for any costs over and beyond \$2,497,080.00, and the City of Roanoke will now be responsible for installation of the computer system and telephone system wiring; additionally, Blue Eagle Partnership's lender has expressed concern over the nonappropriation provision; specifically, the lender is concerned that while State and Federal governments may appropriate funds, it may be appropriated for office space at a different location; and both parties desire the lease to indicate that the City shall have the right to terminate the lease in the event of nonappropriation only if Federal, State or local funding is not appropriated to pay for office space at any location.

The City Manager recommended that she be authorized to execute the Lease Amendment in a form approved by the City Attorney.

Mr. Carder offered the following ordinance:

(#36133-111802) AN ORDINANCE authorizing the City Manager to enter into an amendment to the lease agreement between the City and Blue Eagle Partnership dated November 21, 2001, for certain property located at the Civic Mall, 1501 Williamson Road, Roanoke, Virginia, for the Department of Human Services, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, Page 517.)

Mr. Carder moved the adoption of Ordinance No. 36133-111802. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt  
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**CITY CODE-RENTAL INSPECTION PROGRAM:** The City Manager submitted a communication advising that as authorized by State law, Council instituted a Rental Certificate of Compliance program, pursuant to Section 7-34 of the Code of the City of Roanoke (1979), as amended; the program allows the City to inspect rental properties at the change of tenancy or ownership to protect the health, safety and welfare of residents in rental dwelling units; and the program is limited to core areas of the City that are designated as Conservation Areas, Rehabilitation Districts and areas designated as blighted, pursuant to Section 36-49.1.1, Code of Virginia, 1950, as amended.

It was further advised that according to the 2000 census, there are approximately 18,000 rental properties in the City, 4,299 of which are located in Conservation Areas and Rehabilitation Districts; current code enforcement records of the Department of Housing and Neighborhood Services indicate that since inception of the Rental Inspection Program, approximately 2,400 units have been inspected, of which 1,800 or 75 percent have received Certificates of Compliance; however, code enforcement records also indicate that nearly 1,000 rental properties are not inspected, either because their tenancy does not change, or the owners do not abide by the requirement to have the unit inspected upon turnover; and ultimately, City staff finds that many rental properties, when not the subject of either regular inspections or inspections upon a change in tenancy, may become unsafe, a public nuisance and unfit for human habitation.

It was explained that to improve efficiency and effectiveness of the Rental Certificate of Compliance program, it is recommended that Sections 7-34 - 42 of the City Code be amended; specifically, Section 7-37 of the ordinance ensures that all rental properties in the Conservation Areas, Rehabilitation Districts and other areas designated as blighted shall be inspected upon (i) a change of ownership, (ii) a change in tenancy, or (iii) whenever the property is the subject of a separate finding by Council that additional inspections at specific time intervals, not more frequently than once annually, are necessary to protect the public health, safety or welfare, unless the rental property has a valid certificate of compliance, a temporary waiver of compliance certificate, or a certificate of exemption; and if, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon change of ownership (enabling legislation authorizing the latter provision was authorized by the General Assembly in 2002 at the request of the City).



The City Manager recommended that Council approve amendments to Sections 7-34 - 42 of the Code of the City of Roanoke (1979), as amended, to streamline the Rental Certificate of Compliance program, and to allow for inspection of rental properties in the Conservation Areas and Rehabilitation Districts, or in other areas designated as blighted, pursuant to the Code of Virginia, 1950, as amended, under certain circumstances. It was noted that the amendments are part of the City's effort to enhance its code enforcement response time and to improve the overall quality of life in residential neighborhoods.

Mr. Carder offered the following ordinance:

(#36134-111802) AN ORDINANCE amending and reordaining §7-34, Purpose and intent; §7-35, Definitions; §7-36, Applicability; subsections (a) and (b) of §7-37, Inspection and certificate of compliance required; subsections (a), (b) and (c) of §7-38, Exemptions; and subsections (a)(1), (b) and (c) of §7-39, Certificate of exemption; subsections (a) and (b) of §7-40, Issuance of certificate of compliance; subsections (a), (a)(1), (a)(2) and (b) of §7-41, Temporary waiver of compliance; and subsection (a) of §7-42, Display of proof of compliance, of Article III, Rental Certificate of Compliance, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, to amend the definition of multiple-family rental complex, add the definition of rooming unit, and to repeal the definitions of Uniform Statewide Building Code, Volume I, and Uniform Statewide Building Code, Volume II; to broaden the area of possible application of Article III, Rental Certificate of Compliance; to require inspections under certain conditions; and to exempt certain dwellings, dwelling units and rooming units, from the application of the rental inspection program; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 518.)

Mr. Carder moved the adoption of Ordinance No. 36134-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**PARKS AND RECREATION-DONATIONS/CONTRIBUTIONS:** The City Manager submitted a communication advising that as outlined in the Department of Parks and Recreation's Comprehensive Master Plan, adopted by Council in May 2000, it was established that all City parks should have fair and suitable distribution of park amenities; currently, Garden City Park's amenities include only a playground, restrooms, and athletic fields; and due to a limited amount of amenities for surrounding residents and visitors, the Garden City Recreation Club has agreed to play an active role in helping the City of Roanoke provide a park shelter in Garden City Park to help support needed amenities through funds received from the Neighborhood Partnership Grant under the Community Development Block Grant for use toward park improvements.

It was further advised that in a proposed Agreement between the City of Roanoke and the Garden City Recreation Club, the Recreation Club will provide all materials and supplies necessary for construction of a 20' x 35' shelter, including a concrete pad, at a total value of \$7,500.00; specifications and location of the shelter have been agreed upon between the Garden City Recreation Club and the Parks and Recreation Department; once the Recreation Club completes the concrete base, supplies are to be delivered to the City to complete construction of the shelter by the Building Maintenance Department; once the project is completed in March 2003, the City will have full responsibility and rights to the shelter, which include overseeing of maintenance and all rental/usage requirements of the facility; and funding will be available through the operating budget to operate and routinely maintain the picnic shelter.

The City Manager recommended that she be authorized to accept donation of the park shelter through execution of the Garden City Shelter Agreement with the Garden City Recreation Club, upon approval as to form by the City Attorney.

Mr. Bestpitch offered the following resolution:

(#36135-111802) A RESOLUTION authorizing the City Manager to execute an agreement between the City of Roanoke and the Garden City Recreation Club, accepting a donation of materials and supplies, including a concrete pad, for the construction of a 20' x 35' shelter in Garden City Park, upon the terms and conditions set out in the City Manager's letter dated November 18, 2002, to this Council, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 66, Page 525.)

Mr. Bestpitch moved the adoption of Resolution No. 36135-111802. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor suggested and Council concurred that the Garden City Recreation Club and the Garden City Civic League should be awarded a "Shining Star" award for their generous donation.

#### REPORTS OF COMMITTEES:

COMMITTEES-LEGISLATION: Council Member Carder, Chair, Legislative Committee, submitted a communication advising that on November 4, 2002, City Council's Legislative Committee met to review the proposed 2003 Legislative Program, which is recommended to Council for favorable action; and the School Board's portion of the Program was approved by the Roanoke City School Board at its meeting on November 11, 2002.

Mr. Carder advised that approximately 55 legislative items were forwarded to neighborhood groups, labor representatives and business and community organizations to get their input in terms of the City's legislative agenda, and local legislators were involved early on in the process. He explained that the 2003 Legislative Program focused on six specific areas, five of which relate to neighborhood improvements, by either strengthening code enforcement efforts, or two tier real estate authorization which would offer incentives to investment or redevelopment in the City. He expressed appreciation to the Members of City Council, to F. B. Webster Day and William Lindsey, School Board representatives to the Legislative Committee, to Thomas A. Dick, the City's Legislative Liaison, and to William M. Hackworth, City Attorney, for their input and contributions.

Mr. Carder offered the following resolution:

(#36136-111802) A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2003 Session of the General Assembly.

(For full text of Resolution, see Resolution Book No. 66, Page 526.)

Mr. Carder moved the adoption of Resolution No. 36136 -111802. The motion was seconded by Mr. Cutler.

Council Member Cutler advised of receipt of a communication from the Arts Council for the Blue Ridge which acknowledges that the legislative agenda includes a recommendation for a regional funding mechanism to provide a source of funding for cultural, historic and recreational amenities through the Blue Ridge Asset District.

The Mayor advised that he would support the 2003 Legislative Program as presented.

Resolution No. 36136-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting that Council approve appropriation of \$856,000.00 for School Instructional Technology funds, which will be used for the purchase of school instructional technology equipment to enable students in grades six through eight to take the Standards of Learning tests on-line, said continuing program to be one hundred per cent reimbursed by State bond funds, was before the body.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. Carder offered the following budget ordinance:

(#36137-111802) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, Page 527.)

Mr. Carder moved the adoption of Ordinance No. 36137-111802. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$1.3 million, for improvements to Lincoln Terrace Elementary School, was before the body.**

**It was further advised that the loan application includes resolutions for architectural supervision and a site waiver; debt service on the loan will increase the School Board's debt service expenditure by \$104,000.00, commencing in fiscal year 2004-2005, but no debt service liability is incurred until funds are drawn against the loan account.**

**Mr. Bestpitch offered the following resolution:**

**(#36138-111802) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for modernizing Lincoln Terrace Elementary School.**

**(For full text of Resolution, see Resolution Book No. 66, Page 528.)**

**Mr. Bestpitch moved the adoption of Resolution No. 36138-111802. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Dowe was absent.)**

**Mr. Bestpitch offered the following resolution:**

**(#36139-111802) A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for adding to and improving the present school building at Lincoln Terrace Elementary and declaring the City's intent to borrow to fund or reimburse such expenditures.**

**(For full text of Resolution, see Resolution Book No. 66, Page 529.)**

Mr. Bestpitch moved the adoption of Resolution No. 36139-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

EMERGENCY SERVICES-WATER RESOURCES: Council Member Cutler announced a Pre-Disaster Mitigation and Remediation Conference and Workshop to be held on November 21-22, 2002, at The Hotel Roanoke, to be sponsored by The Cabell Brand Center, the Virginia Housing Development Network and Shenandoah Valley Project Impact, to provide information on water shed management opportunities.

BUDGET- PENSIONS: At the suggestion of Vice-Mayor Harris and concurred in by Council, the matter of a cost-of-living adjustment for City retirees was referred to 2003-2004 budget study.

BUDGET-CITY EMPLOYEES: In view of the revenue shortfall, when preparing the budget for fiscal year 2003-2004, Council Member Wyatt requested that the City Manager consider all options, including service reductions, in lieu of laying off City employees.

TRAFFIC-STREETS AND ALLEYS: Council Member Carder referred to communications from residents of Brandon Oaks retirement community in regard to speeding on Brandon Avenue, S. W., and requested that the City Manager review arterial streets, including Brandon Avenue, with regard to potential traffic calming measures.

**TRAFFIC-ROANOKE CIVIC CENTER:** Council Member Carder commended the work of Roanoke Civic Center staff with regard to the coordination of a multitude of events, and traffic calming measures at the Civic Center.

**CITY EMPLOYEES:** Council Member Bestpitch requested that the City Manager submit a recommendation to Council at its meeting on Monday, December 2, 2002, with regard to holiday leave for City employees.

**PARKS AND RECREATION-ACTS OF ACKNOWLEDGMENT-LANDMARKS/HISTORIC PRESERVATION:** The Mayor extended an invitation to the Members of Council and citizens to attend a ceremony dedicating a historic plaque at the Mill Mountain Star on Wednesday, November 27, 2002, at 12:00 noon.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizen registered to speak.

**CITY MANAGER COMMENTS:**

**WATER RESOURCES:** The City Manager called upon Michael McEvoy, Director of Utilities, for a briefing on the water level at the Carvins Cove Reservoir; whereupon, he advised that as of November 18, 2002, Carvins Cove was at 25.2 feet below spillway, which is approximately nine feet from the lowest point beginning in mid October, 2002.

The City Manager advised that the City does not intend to lift full mandatory water restrictions until the Carvins Cove Reservoir reaches 22 feet below spillway and voluntary conservation will be in effect until the reservoir reaches 15 feet below spillway. She further advised that while the City has experienced substantial rainfall and the Governor has lifted State restrictions, the City of Roanoke, as a community, should continue to conserve water.

**TRAFFIC-ROANOKE CIVIC CENTER:** The City Manager commended City staff on traffic management at the Roanoke Civic Center, and surrounding areas.

**RECYCLING:** THE City Manager advised that the City of Roanoke is 18 tons short of reaching its 300 ton per month goal for recyclables, at which point the City would pay no acceptance fees to its recycling vendor. She stated that the majority of paper products that have not been exposed to food waste can be recycled, and encouraged citizens to recycle holiday wrapping paper, with the exception of foil paper.

**At 3:55 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the City Council's Conference Room for a briefing on relocation of utilities, overhead to underground.**

**At 4:00 p.m., the meeting reconvened in the Council's Conference Room.**

**UTILITIES:** The City Manager advised that the Members of Council previously expressed a desire to learn more about the possibility for additional undergrounding of utilities in the City of Roanoke, and particularly in some of the older neighborhoods; therefore, City staff has prepared a presentation that will provide essential background in considering the issue as the City moves forward in the Vision 2001-2020 Plan.

**Robert K. Bengtson, Director of Public Works, advised that the Department of Public Works, and the Department of Planning and Building Development have researched the matter to identify issues and available opportunities. He called upon Christopher Chittum, Senior Planner, for a detailed briefing and introduced Terry McMahan, Manager of Distribution for American Electric Power, to respond to any questions on behalf of AEP.**

**Mr. Chittum presented an overview of issues associated with relocation of utilities and advised that the purpose of the briefing is to identify some of the opportunities and alternatives in order to begin to make progress. He advised that after researching other localities, it was determined that there is widespread concern, projects are limited to smaller areas, and undergrounding is a key economic development and revitalization tool. He stated that the various approaches include relocation underground, relocation to alleys, consolidation on fewer poles, planting more street trees, and the impact is cluttered street scapes and overall visual quality of the City. He reviewed various options: underground relocation which comes at a very high cost and is the most effective method, the issue of street lights, and cost to property owners converting to underground service drops. He showed examples of overhead utilities on Tazewell Avenue and utilities located in an alley on Wasena Avenue. He advised that the second option is consolidation, which can reduce but not eliminate visual clutter, there are issues with street trees, relatively low cost, and most locations have utilities consolidated to one side. He noted that the third option is alley relocation which costs less than underground relocation, is effective in reducing clutter on streets, allows larger street trees, some utilities are already located in alleys, there is less cost to property owners, and access issues.**

**He explained that current policies are set out in the Subdivision Ordinance which requires utility lines for new subdivisions to be located at the rear, the ordinance "strongly encourages" underground wiring, distribution lines must be located underground in some districts; and past efforts of the City have been limited to core areas in downtown.**



Mr. Chittum advised that Roanoke Vision 2001-2020 recommends alley relocation, relocation underground and consolidation, and implementation requires a long range approach. He stated that priorities include looking at the remaining portions of downtown that still have above ground utilities, and looking at village centers and other residential neighborhoods. He added that other opportunities include installing conduit as a part of road projects and redevelopment projects with VDOT sharing in the cost, and the City bearing about one-half of the cost, and street trees can reduce the visual impact (examples on Winona Avenue were presented).

He explained that funding is the biggest obstacle and funding sources could supplement financing by the City and utilities, such as Transportation Enhancement funds and special assessment districts for area-specific projects.

He advised that ideas for action include:

Identifying City priorities for the future,

Long range strategy in order to spread cost over time,

Short range for consolidation,

Include relocation in planning major projects,

Amend the Subdivision Ordinance to require underground wiring in new subdivisions and require underground service distributions in all districts,

Regular funding in CIP and operating budgets, and

Demonstration projects.

Mr. McMahan advised that when one sees an overhead facility, one is actually seeing primarily telephone cable and secondary voltage cable, which are more visible and are most objectionable when driving down the highway and wires are highlighted against the sky as they cross the roadway. He stated that an interim solution could be to leave the poles and wire intact and place all service to the house underground. He mentioned the possibility of working with the telephone company to place the transformer underground as well. He contended that if those actions are taken, aesthetics would be improved by about 75 per cent and could be done at a cost of approximately 25 per cent of installing utilities underground.

A suggestion was offered that the black cable be replaced with white or grey cable, and that utility poles be painted which would be more aesthetically pleasing and blend into the skyline.

It was suggested that a plan should be developed that is within the financial resources of the City and its Comprehensive Plan.

Question was raised as to the cost per house to install underground wiring; whereupon, Mr. McMahan advised that from the perspective of the power company, it would cost approximately \$500.00 or less, and the cable television and telephone companies would most likely not charge for the service.

The City Manager advised that Council could enact a policy decision requiring that all new subdivisions have underground wiring.

Brian Townsend, Director, Planning and Code Enforcement, advised that further information would be provided to Council in regard to costs to developers/home owners for undergrounding of utilities.

The City Manager advised that at some point, the City should impose the same requirements on developers that are imposed on others. She stated that the City should resist the mindset that it must have lesser cost for development in order for development to occur. She added that the City of Roanoke has given up a lot of things for a long time and it must decide if it wants quality development which is expensive and is a decision that the Council will have to make. She advised that in other areas, developers are installing street lights and undergrounding utilities and they are selling houses at a fast pace in those areas. Therefore, she stated that the City needs to think about the importance of its future and make a policy decision to address the issue.

The City Manager further advised that a master plan is needed which will set forth which areas will be addressed first, the most efficient way to address the issue because in some areas it may be better to select alleys, others may require undergrounding, and others may require some form of consolidation. She stated that if there is sufficient interest on the part of Council, City staff will develop a master plan and staff will look to Council for direction.

It was the consensus of Council that City staff will prepare a master plan, taking into consideration the City's fiscal responsibilities and constraints, leading to a long term plan.

**Mr. McMahan advised of the willingness of American Electric Power to work with the City because that which is arrived at jointly will be a better solution than that which is arrived at unilaterally.**

**Council Member Wyatt asked that AEP consider changing the color of utility wires to white or grey, in lieu of the basic black.**

**There being no further business, at 4:50 p.m., the Mayor declared the meeting in recess, and Council convened in Closed Session.**

**At 5:10 p.m., the Mayor declared the Council meeting in recess, for a joint meeting of City Council and the Roanoke Arts Commission.**

**At 5:15 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith and Roanoke Arts Commission Chair Mark C. McConnel presiding.**

**COUNCIL MEMBERS PRESENT: William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris and Mayor Ralph K. Smith-----5.**

**COUNCIL MEMBERS ABSENT: Alfred T. Dowe, Jr. and Linda F. Wyatt-----2.**

**ROANOKE ARTS COMMISSION MEMBERS PRESENT: Susan W. Jennings, Kathleen W. Lunsford, Anna Wentworth, Betty Branch, Charles E. Jordan, Frank J. Eastburn, Robert Humphrey, and Mark C. McConnel, Chair.**

**ROANOKE ARTS COMMISSION MEMBERS ABSENT: Susannah Koerber, George Kegley, Ann L. Weinstein, Michael Brennan, and Courtney Penn.**

**OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance, Mary F. Parker, City Clerk; George C. Snead, Jr., Assistant City Manager for Operations; and Rolanda Russell, Assistant City Manager for Community Development.**

**COUNCIL-ROANOKE ARTS COMMISSION: Mr. McConnel worked with a power point presentation explaining that the Arts Commission was created in 1983, pursuant to Ordinance No. 26537 to advise and assist Council on matters relating to the advancement of the arts and humanities within the City of Roanoke; the ordinance also referred to funding for the arts, evaluation of the appropriateness of gifts, evaluation of**

the appropriateness of City sponsorship of certain cultural events, care of historic landmarks, and maintenance of the City's art collection. He presented examples of the City's art collection.

He advised that historically, the work of the Roanoke Arts Commission has varied greatly; over the past several years, the Commission has been involved with the High School Art Show and 16 high schools participate in the Art Show which is coordinated and funded to some degree by the Arts Commission; and the Arts Commission also oversees the City's art collection which includes cataloging, maintenance, and installation when new pieces of art are acquired. He further advised that in past years, the Arts Commission has been involved in acquisition of new pieces of art for the City, and it offers advice on the purchase of art, display, and the sale of art.

He called attention to recent activities including Art of the Week which is e-mailed weekly to City officials and staff and offers the opportunity to see the work of various artists; next year's City calendar will contain images of the City's art collection; a catalog of City-owned art will be made available to the public; improvements will be made to that area at the Roanoke Public Library which houses art and art book collections which requires reconfiguring space, and adding shelves, etc.; there will be a renewed attention to the City's collection of library books by initiating a program to solicit donations of art related books, catalogs of recent shows, etc.; initiation of a series of lectures by persons from the arts community; providing assistance to public bodies with regard to public art issues, such as assisting the Roanoke Higher Education Center with its capital campaign which will include installation of art in the Higher Education Center at appropriate locations; and assisting the Police Department in memorializing fallen police officers by providing guidance in the selection of a piece of art that will be unique and of lasting durability and beauty.

With regard to important recent developments, Mr. McConnel advised that the Arts Commission is pleased with the revised guidelines for the Percent for Arts Program, which has existed for approximately six years without clear guidelines; however, a recent revision provides the necessary clarification. He explained that Percent for Arts is a national program in which approximately 390 cities across the country participate and six states have adopted a Statewide Percent for Arts Program relating to State construction projects. He noted that this method of funding art makes sense because art is being funded only when a city is materially growing and the art work to be installed and funded by the Percent for Arts program is tied to a City's master plan.

Mr. McConnel advised that the Public Arts Plan will be a major thrust for the Roanoke Arts Commission, because the Arts Commission has been aware for quite some time that as large public art installations became available to the City, there was no cohesive plan for installation to ensure geographic diversity so that all parts of the City are addressed in an artistic way. He noted that the Arts Commission encourages the involvement of all neighborhoods and community groups that will be affected by the public arts plan; and the Commission is also concerned about typological diversity because not every piece of art is a beautiful statue, or a mosaic, or a flat piece of art hanging on a wall. He called attention to the desire to address creation of diverse outdoor performance art expenditures in the public arts plan and because it is difficult to collect performance art, there is a tendency to think only in terms of investing in visual arts. He noted that another primary issue is the viewing of the public arts plan as a way to leverage Percent for Arts dollars to achieve a greater outcome for the public good; national grants for public art installations have matching requirements; and expertise on the Arts Commission can be used to look for these opportunities, to partner with outside funding sources, and to leverage the City's contributions to the Percent for Arts program to achieve greater good for the entire City. He advised that when the master plan is complete, the Arts Commission would like for the plan to be included as an adjunct to the City's Vision 2001-2020 Comprehensive Plan; and the Arts Commission would like to build consensus in regard to the public arts plan by encouraging neighborhood input.

He explained that the Agency Funding Advisory Committee is a subcommittee of the Arts Commission and was formerly known as the Cultural Services Committee; the Agency Funding Advisory Committee is composed of members of the Arts Commission, with assistance of the City's Economic Development Department, and receives proposals from various cultural institutions in the City of Roanoke for funding assistance. He stated that the Advisory Committee is charged with the responsibility of reviewing applications and allotting funds allocated by Council to the various organizations depending on the programs proposed to be funded. He noted that in an effort to work with these institutions, the Arts Commission holds its meetings in various locations to observe first hand the work of the various agencies/organizations, which enables the Arts Commission to better envision the specific needs of the agencies when they petition for funds. He explained that the application for funding through the Agency Funding Advisory Committee will be revised in an effort to streamline the process, because it is important to protect the interests of the City and for the City to know how funds are used by the various agencies.

Mr. McConnel addressed the future of the Arts Commission, and called attention to discussions with regard to the Arts Commission coming under the purview of the City's Economic Development Department because art and public art is significantly an economic development tool. He advised that in 1999, Virginia Tech completed a study which showed that the arts, in a period of one year, contributed approximately \$15 million to the Roanoke Valley.

Mr. McConnel advised that the Percent for Art Committee, as originally organized, has ceased to exist because the funding mechanism has become straightforward and simplified by the revised guidelines, and art installation and selection will fall into the master plan concept.

He called attention to the following standing subcommittees of the Arts Commission; Nominating, Agency Funding Advisory Committee, Public Arts Planning, Library, Maintenance, and Public Information, and noted that the Arts Commission is anxious to receive input from City Council and the citizenry in general.

As to the future of the Arts Commission, Mr. McConnel advised that the Commission is currently in the research and planning stage of the Public Arts Plan, and it encourages intense public and Council involvement, which will involve approximately an 18 to 24 month time frame. He stated that the Deputy Chief, Division of Cultural Affairs, Arlington, Virginia, has been contacted for assistance, since the City of Arlington has recently undertaken a large public arts plan, and the Deputy Chief will meet with the Arts Commission to discuss Roanoke's establishment of a public arts plan.

He advised that the Arts Commission views itself as facilitators with the desire to infuse art in every aspect of the lives of Roanoke's citizens. The Chairman advised that the Arts Commission would like to regularize funding, meet with the City Engineer to understand multi-year projections, and initiate a program for long term maintenance of the City's art collection.

Mr. Humphrey distributed copy of a map of the Seattle, Washington, area depicting the locations of public art.

Mr. McConnel explained that in the year 2003, the arts master plan will not be in place, but there will be opportunities for public art installations and the use of public funds for this economic development tool; the Arts Commission proposes to use a

portion of the City's allocation to help fund the master plan; the Dorothy Gillespie mural on the side of Kirk Avenue Antiques is in need of restoration; there is an opportunity for a signature sculpture at the Roanoke Civic Center to coincide with certain renovations; the Highland Park stage needs to be enhanced; and the Arts Commission has been working with the Parks and Recreation Department in regard to public art along the greenways. He called attention to the Seattle, Washington map that was previously distributed that shows "earth works", which is envisioned by the Arts Commission as art along Roanoke's greenways, rather than plant materials or flower beds which are considered to be landscaping.

He reiterated the potential for a sculpture or some type of art intervention at the Roanoke Civic Center, which is a public place that is seen by thousands of persons annually. He called attention to the importance of building a collaborative relationship with City Council, one in which the Arts Commission would develop all art procured by the City and act as the City's agent, soliciting artists' ideas and engage in a selection process, while keeping Council informed at the various stages as to what is taking place and provide an opportunity for input at any time in the process, and contract with artists to develop art works that are appropriate for specific locations. He explained that public art is site specific and the original Percent for Art Program in many cities ties art to a specific location, which will occur in the City of Roanoke with the proposed arts master plan.

Council Member Cutler inquired as to how the Arts Commission will prepare the envisaged public art supplement to the new Comprehensive Plan (Vision 2001-2020), process and timetable.

Mr. Humphrey responded that there is a time frame of about 18-24 months to complete the public art plan for inclusion in the City's Comprehensive Plan; and the Arts Commission encourages input by Council and the public; the plan is currently in the research stage, there is a desire to infuse art throughout the City and to discourage communities from vying against one another for public art, and the Arts Commission proposes to hold public meetings to develop a consensus by citizens regarding public art.

Mr. Cutler inquired if an inventory of potential sites would be prepared; whereupon, Mr. Humphrey answered in the affirmative. Mr. McConnel stated that there are obvious potential sites, particularly if one looks at the Vision Plan with the emphasis on village centers. He cited the new art museum as a location for artistic intervention, and noted that the Vision 2001-2020 Plan could be used as a stepping stone.

Mr. Cutler referenced the Dr. Martin Luther King, Jr., memorial issue; whereupon, Mr. McConnel advised that it should be left up to the citizenry to say where a certain piece of art should or should not be located, because the recommendation of the Arts Commission is to not stipulate meaning and design, but rather location and intent.

Mr. Humphrey called attention to discussions by the Arts Commission in regard to using a portion of the Percent for Art funds for a matching neighborhood fund grant; i.e.: if a neighborhood was desirous of creating a memorial for someone, they could submit a proposal to the Arts Commission and request a matching fund grant.

The City Manager inquired if the Arts Commission was of the mind to use Percent for Art monies to hire a consultant to create the master plan; whereupon, Mr. McConnel advised that the Arts Commission would like to retain the services of a consultant with expertise in designing public arts plans, and it would appear to be appropriate to use a portion of the first allocation of funds for the purpose of funding or partially funding the master plan, because it is just as important to lay the proper groundwork as it is to purchase the art.

Mr. Cutler inquired as to how the Arts Commission proposes to proceed with the probable opportunity to provide an outdoor sculpture at the Roanoke Civic Center and/or at the new stadium/amphitheater. What does the Arts Commission envision the role of City Council to be in the process?

Mr. McConnel responded that first the Arts Commission should submit a recommendation to Council and if Council is of the opinion that it is a worthwhile application of Percent for Art funds, the Arts Commission would begin to determine how, where, and what kind of art should be selected, submit a recommendation to Council, and a request for proposals would then be forwarded to the arts community.

Mr. Cutler inquired if the Arts Commission has considered revising the City grant application guidelines for local charitable nonprofit organizations to allow those organizations to request unrestricted operating support to fund core staff and overhead expenses, as well as grants restricted to special projects?

Ms. Jennings responded that the Roanoke Arts Council has been engaged as the monitoring agency for the City's grant money which is allocated to various organizations; previously, organizations could apply for general operating support, however, approximately five years ago, an emphasis was placed on programming,



therefore, applications were submitted for programming and not for general operating support. She explained that many times, funds that are intended for general operating support are dressed in the guise of a program, and it would be much easier if agencies could state that the request is intended to be used for general operating support.

Vice-Mayor Harris stated that it is a policy decision that rests with City Council. He explained that from the Council's vantage point, the agency was not being served in a healthy way by allowing the agency to build operational capacity off of a year to year funding source; Council was of the opinion that it could not guarantee that funding would be in place for the future; and consequently, when funding was not available, Council was faced with dealing with the problems of agencies that could not continue to operate. He noted that the policy adjustment was made to try and facilitate organizations to operate on a better footing while Council, through this mechanism, tried to assist with special projects or programs. He advised that he did not disagree on the premise that art organizations in today's environment need help, but Council made the policy decision so as not to mislead organizations.

The Vice-Mayor called attention to the need for a signature art piece at the Roanoke Civic Center; and the need to create public art and public art space in the neighborhoods, because so much of the City's public art is located in the core downtown area or some of the larger municipal facilities. He cited the intersection of Main Street and Brandon Avenue as an ideal location for a piece of public art, and called attention to gateways into Roanoke's neighborhoods or in locations where main arteries intersect that have space for public art. He concurred in the statement that a portion of the Public Arts Plan should be to broaden, geographically, those points of influence where public art could be placed. He stated some of Roanoke's older neighborhoods are approaching their centennial and there should be opportunities to discuss with neighborhood businesses or civic organizations the concept of becoming a funding partner in creating a piece of art that would emphasize their centennial.

Council Member Bestpitch expressed concern with regard to restricting a large portion of funds received by cultural service agencies to special projects because in order to be meaningful, there should be a type of needs assessment or evaluation of the most important issues, otherwise criteria and priorities will be made up, and even with the competitive process, an evaluation will be made against unsubstantiated

methodologies in terms of how to rank the different requests. In summary, he stated that the effectiveness of programs should be reviewed to identify ways to leverage funding to help an agency perform its tasks and there should be more discussion on the issue in order for Council to reach a policy decision.

Vice-Mayor Harris suggested that the Arts Commission advise Council Member Bestpitch, Chair, City Council's Budget and Planning Committee, if a policy decision by Council is necessary.

Mr. Carder advised that it is much easier for the City to quantify and qualify criteria that is program-based, rather than operations-based, because it is difficult to weigh the good of one organization compared with another. As with all other Council-Appointed committees, commissions, boards, and authorities, he stated that it is important for the Arts Commission to work through the City Manager prior to submitting recommendations to Council; whereupon, Mr. McConnel explained that the Arts Commission works under and with the Economic Development Department relative to the entire grant application process, the application is under review by the Department of Management and Budget, and the Arts Commission submits its recommendations through City staff to Council.

Council Member Carder suggested that the City's art collection be displayed in neighborhoods, public schools, and the Higher Education Center, etc., thereby making the collection more accessible to Roanoke's citizens. Mr. McConnel responded that art is currently on display in the Municipal Building, the Courthouse, the Civic Center, and the Library, and the City's art collection is large enough that pieces could be pulled for a traveling art show throughout the City of Roanoke.

With reference to the location of public art pieces, Mayor Smith advised that when he acquires a piece of art, he considers the specific item, the location for display of the item, and funding issues. He stated that funding issues must be more structured in the arts plan of a governmental body than that of an individual, but art happens with ideas, and it is hoped that the City's art funds will not be totally depleted so that funds will be available if the right piece of art comes along for a specific location. Mr. McConnel advised that the Public Arts Plan will be updated annually, and as opportunities come to the forefront, they can be utilized, thereby making the arts plan more flexible.

Mr. Jordan called attention to situations where organizations appear before the Agency Funding Advisory Committee for funds, and it is known that the money will be used for operating expenses, but the organization has prepared a program to justify the request, therefore, the organizations should be relieved of the burden of that responsibility. He cited the Harrison Museum of African-American Culture as an example of an organization that should not have to come before the Agency Funding Advisory Committee, but should be a line item in the City's budget.

Ms. Wentworth advised that she is currently working on cataloging art owned by the City, and expressed concern with regard to proper maintenance of the City's art collection. She added that much of the art is not accessible to the public, and she spoke in support of the purchase of more art for public buildings throughout the City.

With regard to funding organizations through the Agency Funding Advisory Committee, Ms. Lunsford advised that there should be some middle ground, and rather than requiring that funds be used for a program, there could be a requirement for justification as to how the funds will be expended; and speaking as a member of the Agency Funding Advisory Committee, the funding process should not be so complicated. She stated that she is working on the Public Arts Plan, and a pool of names is being developed of persons in City government and in the neighborhoods who might be called upon for input and assistance.

With reference to the issue of operating versus program funding for the various agencies requesting funds through the Agency Funding Advisory Committee, Ms. Jennings advised that when the switch was made to program funding, some organizations pulled out of the cultural services funding category and went into line item funding within the City's budget, such as Center in the Square and Virginia Amateur Sports. She stated that this presents an inequitable situation when some organizations are treated as line items in the budget and receive operational funds, while others are trying to come up with programs, therefore, the inequity should be addressed.

Dr. Eastburn expressed concern with the role of the Arts Commission as an advocate, and explained that organizations have lost their direct contact with City Council. He called attention to the need to develop a mechanism in which the Arts Commission can filter complaints and concerns of various organizations and relate those concerns to City Council, as opposed to the organizations coming directly to City Council.

Mr. Humphrey stated that the Arts Commission is composed of well-qualified individuals who are trying to be fiscally responsible stewards of art in the City of Roanoke, with the goal of developing a better art collection, maintaining the collection, and supporting cultural organizations in the City of Roanoke. He stated that citizens and the City as a whole benefit from having an art collection and cultural organizations, all of which bring more economic development to the area.

There being no further business to be discussed, at 6:35 p.m., the Mayor declared the City Council meeting in recess and Council reconvened in Closed Session in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 7:00 p.m., on Monday, November 18, 2002, the City Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, C. Nelson Harris, and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Linda F. Wyatt-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PUBLIC HEARINGS:**

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 18, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Western Virginia Foundation for the Arts and Sciences, that a portion of Shenandoah Avenue, N. E., lying adjacent to parcels of land bearing Official Tax Nos. 3013603 and 3013604, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 1, 2002 and Friday, November 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the petitioner requests the portion of right-of way on Shenandoah Avenue to add to its site for the redevelopment of Official Tax Nos. 3013603 and 3013604; the two parcels of land house the former Norfolk and Western Passenger Station; and the petitioner plans to rehabilitate the structure to accommodate a visitors bureau and museum, was before the Council.

The City Planning Commission recommended that Council approve the request, subject certain conditions.

Stephen W. Lemon, Attorney, appeared before Council in support of the request of his client.

Mr. Carder offered the following ordinance.

(#36140-111802) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 64, Page 530.)

Mr. Carder moved the adoption of Ordinance No. 36140-111802. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36140-111802 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 18, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Michael A. Wells that the rear 25 feet x 50 feet portion of Official Tax No. 2761421 be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner; and that conditions set forth in Ordinance No. 32294-121994 for property located at the corner of Virginia Avenue and Westside Boulevard, N. W., designated as Official Tax No. 2761409, be repealed and replaced with new conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 1, 2002 and Friday, November 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that sole use of the subject property to be rezoned shall be an automobile cleaning facility, was before Council.

It was further advised that zoning of most of Virginia Avenue is RS-3, Residential Single Family District; the southeastern corner of Virginia Avenue and Westside Boulevard is zoned C-1, Office District, with conditions (rezoned in 1989); properties on Melrose Avenue are zoned C-2, General Commercial District; land uses reflect the zoning pattern; the land use along Virginia Avenue is primarily residential; land use of properties facing Melrose Avenue is commercial; the property is not an appropriate area for commercial expansion because of its residential nature; the property is not located in an identifiable commercial center; though the property is adjacent to strip commercial development, it demarcates the change between residential and commercial uses; the Melrose Avenue corridor has an abundance of commercially-zoned property that is currently vacant; according to real estate records, 34 properties are both vacant/underutilized and zoned C-2 within one-half mile of the property; eight such properties are located within one mile of the site; and rather than encourage encroachment into an established residential area, a majority of the City Planning Commission believes that existing commercially-zoned property is available and should be occupied before expansion of the commercial district is considered.

The City Planning Commission recommended that Council deny the request, advising that the proposed rezoning is not in accordance with Vision 2001-2020; and there are numerous other vacant/underutilized properties in the immediate area that are currently zoned C-2.

**Mr. Carder moved that the following ordinance be placed upon its first reading:.**

**(#36141) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions.**

**(For full text of Ordinance, see Ordinance Book No. 64, Page 534.)**

**The motion was seconded by Mr. Cutler.**

**Roy V. Creasy, Attorney, appeared before Council in support of the request of his client. He advised that Mr. Wells owns two parcels of land on Virginia Avenue, and in 1994 the rear portion of one of the lots, 50 feet wide, was rezoned which enabled his client to construct a facility for vehicle cleaning and detailing. He stated that Mr. Wells is now requesting another 50 foot extension of adjacent land which would permit him to construct a building to store vehicles in inclement weather and would enable him to conduct his business in a more efficient and productive manner. He called attention to proffers that address screening of the property and hours of operation so as not to unreasonably interfere with the neighborhood. On behalf of his client, he asked that Council approve the request.**

**The Mayor inquired if there were persons who would like to be heard in connection with the matter.**

**Ms. Betty McCormick, 3826 Virginia Avenue, N. W., advised that the car washing establishment is too close to the intersection of Melrose Avenue and Westside Boulevard, and called attention to the potential of a traffic accident when vehicles on Melrose Avenue are stopped so that cars may enter and exit Mr. Wells' facility. She stated that Mr. Wells parks vehicles throughout the neighborhood, there is inadequate drainage, and construction work takes place around the facility, but there are no visible signs of a building permit. She called attention to the City's water shortage and the availability of property in the area that is currently zoned for such a facility. She invited the Members of Council to her home to see firsthand what she is forced to look at on a daily basis. She advised that residents of the area are not against Mr. Wells, but they are against the expansion of his car washing business into their backyards.**

**Mr. Mike Shepherd, 3829 Virginia Avenue, N. W., expressed opposition to the request. He advised that Mr. Wells has been trying to rezone his residential property for business purposes for quite some time in an effort to expand his business, and by further rezoning of the property, the City is allowing Mr. Wells to infringe on the rights of his neighbors and the community overall. He called attention to instances when Mr. Wells has violated the City's water restrictions by washing his personal vehicles. He advised that the City Planning Commission voted to deny the request and asked that Council take the same action.**

**Mr. David Mitchell, 3910 Virginia Avenue, N. W., advised that his home is located next door to Mr. Wells' establishment; houses in the area are built on solid shell and if further construction is allowed, he is concerned that the shell will shift, thus causing the foundation of his house to shift. He expressed concern with regard to Mr. Wells' business and whether it will benefit the neighborhood in any way.**

**Mr. Daniel Hale, 4425 Aleva Street, N. W., spoke in support of the request of Mr. Wells and advised that all complaints have been addressed. He stated that Mr. Wells has tried to improve and to invest in the neighborhood in various ways and to conduct his business in a forth right manner. Therefore, he requested that Council vote in support of the request of Mr. Wells to expand his business.**

**Mr. Fred Galloway, 3402 Kershaw Road, N. W., advised that Mr. Wells needs to expand his business, but he cannot afford to rent another building that is appropriately zoned. He stated that too many buildings in the City of Roanoke have already been boarded up, therefore, he appeared before Council on behalf of Mr. Wells to request that he be permitted to increase the size of his building, in order to conduct his business in a more efficient manner.**

**Mr. Robert Gravely, 617 Hanover Avenue, N. W., spoke on behalf of the request of Mr. Wells. He stated that each time a person of color tries to make improvements within the community, there is some type of adverse reaction by the community; and each time they try to do something pertaining to their culture, or to their business, or simply to better themselves, they come up against obstacles within the community, or within the system itself.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of the request of Mr. Wells. She advised that Mr. Wells' petition to expand his car washing business represents economic development, which is always encouraged and supported by City**



Council and City staff. Also, she added that Mr. Wells pays taxes to the City of Roanoke and he will pay even more taxes if he is allowed to expand the size of his business. With reference to a previous complaint involving Melrose Avenue traffic, she advised that Mr. Wells' business is located on the west side of Melrose Avenue and traffic coming from Melrose Avenue would enter on the east side of the street. She stated that Mr. Wells proposed improvements do not infringe on the residential community because at least three businesses currently operate in the area in addition to Mr. Wells establishment. She asked that Council view the matter from an economic development standpoint and for the betterment of the City of Roanoke and approve the request.

Ms. Brenda Hale, 3595 Parkwood Drive, S. W., spoke in support of the request of Mr. Wells inasmuch as he is a minority entrepreneur who has accomplished a great deal. She advised that Council has a responsibility to represent persons from over 70 nations who reside in the Roanoke community; the African-American community has a lot of history; Mr. Wells is changing and evolving in his business which has been well documented over the years, and his growth and development should not be stifled as a minority entrepreneur. She stated that Roanoke is a beautiful city and its citizens want to move forward, but there is bias in the City of Roanoke which can be changed if all citizens work together to enable the Star City to provide a united environment. She asked that Council exercise its fiduciary responsibilities this evening, and, in the future, it is hoped that more minority business owners will come forth with the knowledge that they can be successful as a minority businessman, businesswoman, or entrepreneur in the City of Roanoke.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion by Council, Ordinance No. 36134 was adopted, on its first reading, by the following vote:

AYES: Council Members Carder, Cutler, Harris, and Mayor Smith-----4.

NAYS: Council Member Bestpitch-----1.

(Council Members Dowe and Wyatt were absent.)

**BUILDINGS/BUILDING DEPARTMENT-DONATIONS/CONTRIBUTIONS-CITY PROPERTY:** The City Manager submitted a communication advising that Robert E. Zimmerman, owner of property located at 351 Salem Avenue, S. W., has offered to

donate to the City a parcel of land containing approximately .210 acre of land, which property is identified as Official Tax No. 1010106, and is located adjacent to a City-owned parcel of land that is currently utilized as a satellite office and parking for City vehicles. She further advised that the building on the property was recently destroyed by fire, leaving the assessed value of the land at \$47,000.00; and the City intends to demolish the building after the property is conveyed.

The City Manager recommended that she be authorized to accept donation of the above referenced property, subject to satisfactory environmental site inspection.

Mr. Carder offered the following ordinance:

(#36142-111802) AN ORDINANCE authoring acceptance of the donation of a parcel of land by Robert E. Zimmerman,

(For full text of Ordinance, see Ordinance Book No. 66, Page 533.)

Mr. Carder moved the adoption of Ordinance No. 36142-111802. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-TRAFFIC-COMPLAINTS-REFUSE COLLECTION-NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY- NEWSPAPERS-DOWNTOWN NORTH: Ms. Helen E. Davis, 35 Patton Avenue, N. E., concurred in earlier remarks presented by Mr. E. Duane Howard with regard to a memorial for fallen law enforcement officers (agenda item 6.a.3). With regard to enacting budget cuts, she requested that consideration be given to the cost of publishing the Roanoke City Magazine versus the cost of including a City of Roanoke information insert in

The Roanoke Times. She referred to agenda item 6.a.4 which was approved by Council at the 2:00 p.m. session, in regard to the use of competitive negotiation as the method to secure vendors to engage a company to develop City-owned property along Gainsboro Road, and called attention to a past commitment of the City administration that the three Gainsboro neighborhood organizations would be notified as to any actions proposed by the City for the Gainsboro community; however, residents were not aware of the above referenced agenda item. She advised that Gilmer Avenue, N. W., is a narrow street and called attention to the potential of traffic accidents due to large refuse collection vehicles, which also cause traffic to back up while the one-arm bandit empties trash containers. She stated that refuse is not being collected at an acceptable level in northwest Roanoke. She requested information on costs incurred by the City of Roanoke for consulting contracts.

**COMPLAINTS-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to action taken by Council earlier in the meeting regarding the property on Gainsboro Road (agenda item 6.a.4). She advised that it was stated that residents of Gainsboro are interested in housing; however, during the Comprehensive Plan meeting, residents of the Gainsboro community emphasized the need for infill housing, as opposed to a new housing complex, to complete vacant lots throughout the neighborhood. She requested that the Presidents of the three neighborhood organizations in Gainsboro be adequately and timely informed when the real estate developer is selected by the City, and that the real estate developer meet with residents of Gainsboro. She suggested that the Roanoke Neighborhood Development Corporation be contacted to determine its interest in developing the land.

**SIDEWALK/CURB AND GUTTER-BUDGET-COMPLAINTS-TAXES-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING:** Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to the Gainsboro community, and questioned actions in regard to constructing an \$80,000.00 house in the 1100 block of Gilmer Avenue, N. W., when the average home costs in the range of \$32,000.00 - \$40,000.00. He suggested that the area be placed in a tax bracket so as to fit the needs of the citizens. He called attention to the lack of sidewalks, and other amenities in the area, and advised that the needs of the citizens of the Gainsboro Community should be kept in mind by City Planners.

**ACTS OF ACKNOWLEDGMENT-CITY MANAGER-CITY COUNCIL-HOSPITALS:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation for the "Shining Star" award which was presented earlier in the meeting to the Roanoke Valley Mopar

Club, in connection with fund raising efforts for St. Jude's Hospital. He commended the Members of Council and the City Manager on their accomplishments on behalf of the citizens of the City of Roanoke.

At 7:45 p.m. the meeting was declared in recess to be reconvened in Closed Session.

At 8:20 p.m., the City Council meeting reconvened in the City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Dowe and Wyatt.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.

**NAYS:** None-----0.

(Council Members Dowe and Wyatt were absent.)

**COMMITTEES-JUVENILE CORRECTIONAL FACILITIES:** The Mayor advised that the terms of office of Jesse A. Hall and Glenn D. Radcliffe as members of the Roanoke Valley Juvenile Detention Center Commission expired on June 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Jesse A. Hall and Glenn D. Radcliffe.

There being no further nominations, Messrs. Hall and Radcliffe were reappointed as members of the Roanoke Valley Juvenile Detention Center Commission for terms ending June 30, 2006, by the following vote.

**FOR MESSRS. HALL AND RADCLIFFE: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.**

**(Council Members Dowe and Wyatt were absent.)**

**POLICE DEPARTMENT-COMMITTEES: The Mayor advised that the term of office of A. L. Gaskins as a member of the Regional Policy Board, Alcohol Safety Action Program, expired on June 30, 2002, and called for nominations to fill the vacancy.**

**Mr. Bestpitch placed in nomination the name of A. L. Gaskins.**

**There being no further nominations, Mr. Gaskins was reappointed as a member of the Regional Policy Board, Alcohol Safety Action Program, for a term ending June 30, 2004, by the following vote:**

**FOR MR. GASKINS: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.**

**(Council Members Dowe and Wyatt were absent.)**

**OATHS OF OFFICE-COMMITTEES-ROANOKE VALLEY RESOURCE AUTHORITY: The Mayor advised that the term of office of Robert K. Bengtson as a member of the Roanoke Valley Resource Authority will expire on December 31, 2002, and called for nominations to fill the vacancy.**

**Mr. Bestpitch placed in nomination the name of Robert K. Bengtson.**

**There being no further nominations, Mr. Bengtson was reappointed as a member of the Roanoke Valley Resource Authority, for a term ending December 31, 2006, by the following vote:**

**FOR MR. BENGTSON: Council Members Bestpitch, Carder, Cutler, Harris, and Mayor Smith-----5.**

**(Council Members Dowe and Wyatt were absent.)**

There being no further business, the Mayor declared the meeting adjourned at 8:25 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

-----

|



**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

January 6, 2003

The Honorable Vice-Mayor and  
Members of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a faint, larger version of the same signature.

Ralph K. Smith  
Mayor

RKS:sm



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Budget Study Calendar

Forwarded for your approval is the budget study calendar for Fiscal Year 2004 budget.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George C. Ineod for".

Darlene L. Burcham  
City Manager

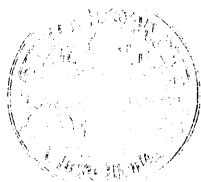
DLB:afs

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance



**CALENDAR OF EVENTS  
FOR BUDGET PREPARATION ACTIVITIES  
FISCAL YEAR 2003-2004**

<b><u>Date</u></b>	<b><u>Budget Preparation Activities</u></b>
April 14-18, 2003	City Manager briefs City Council on Recommended budget.
April 18, 2003	Recommended budget document delivered to City Council members.
April 18, 2003	Advertisements of public hearings on recommended budget and tax rates appear in newspapers.
April 28, 2003	Public hearings on recommended budget and tax rates.  ** Requires special meeting of City Council
May 7-9, 2003	City Council budget study work sessions.
May 12, 2003	City Council adopts General Fund, School Fund, Proprietary Fund budgets and an Update to the HUD Consolidated Plan and approves an annual appropriation ordinance.  ** Requires special meeting of City Council



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

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January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Surplus City-owned  
Property Tax Nos. 2011718,  
2021789, 2021788

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Tuesday, January 21, 2003. A full report will be included in the January 21, 2003, agenda material for your consideration.

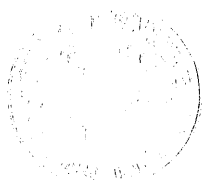
Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

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 CityWeb: www.roanokegov.com

January 6, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice-Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request to Schedule a Public Hearing to  
 Consider the Lease of the Jefferson Gym

The Young Men's Christian Association of Roanoke, Virginia (YMCA) currently leases the Jefferson High School Gymnasium. The lease agreement expires January 18, 2003. The YMCA has expressed an interest in continuing this lease agreement. The feasibility of a new lease agreement or possibly a transfer of title is currently being negotiated. To facilitate time for negotiation, the YMCA has requested an extension agreement of the current lease for six (6) months.

### Recommended Action:

Authorize the scheduling and advertising of this matter for public hearing on your January 21, 2003 agenda.

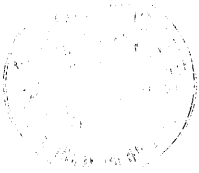
Respectfully submitted,

Darlene L. Burcham  
 City Manager

DLB:slm

c: Mary F. Parker, City Clerk  
 William M. Hackworth, City Attorney  
 Jesse A. Hall, Director of Finance  
 Barry L. Key, Director of Department of Management and Budget  
 Wanda Reed, Acting Building Services Manager  
 Dana Long, Manager of Billings and Collections  
 Scott L. Motley, Economic Development Specialist

CM02-00290



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

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 Roanoke, Virginia 24011-1591  
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January 6, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice-Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease of Commonwealth Building

The United States General Services Administration (GSA) currently leases space within the Commonwealth Building, which is owned by the City. GSA uses the second floor of the building for the Federal Bankruptcy Court and its affiliated offices. The current lease expires January 31, 2003. The GSA is interested in extending this lease of this space for one year, with the same terms as the current lease. The current lease rate is \$6.50 per square foot plus \$3.97 per square foot for operating costs, increased annually based on Consumer Price Index 1982 – 1984 = 100, with an annual rent amount of \$130,007.76.

Recommended Action:

Authorize the scheduling and advertising of this matter for public hearing on your January 21, 2003 agenda.

Respectfully submitted,

Darlene L. Burcham  
 City Manager

DLB:slm

c: Mary F. Parker, City Clerk  
 William M. Hackworth, City Attorney  
 Jesse A. Hall, Director of Finance  
 Barry L. Key, Director of Department of Management and Budget  
 Wanda Reed, Acting Building Services Manager  
 Dana Long, Manager of Billings and Collections  
 Scott L. Motley, Economic Development Specialist

CM02-00283



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

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January 6, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation of Sewer & Drainage Easements  
 Wildwood Road, SW - Tax No. 1070605

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on the proposed vacation of property rights. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Tuesday, January 21, 2003. A full report will be included in the January 21, 2003, agenda material for your consideration.

Respectfully submitted,

Darlene L. Burcham  
 City Manager

DLB/SEF

c: Mary F. Parker, City Clerk  
 William M. Hackworth, City Attorney  
 Jesse A. Hall, Director of Finance  
 Sarah E. Fitton, Engineering Coordinator



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January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Amend 2002-03 Consolidated  
Plan Annual Update and Execute  
a CDBG Agreement with Blue  
Ridge Housing Development  
Corporation, Inc.

**Background:**

World Changers is a volunteer organization that brings together youth and adults from throughout the Nation to participate in housing and related community service projects. Some months ago the City and World Changers began discussions of a project to repair 30 or more homes in the southeast and other areas of the City during July 2003. World Changers would provide the youth workers and adult supervision for painting, roofing, and other rehabilitation; the City would provide funding for materials and other support, including housing the youth and adults at a school facility for the week they are here.

The City and World Changers have designed a project for the week of July 12 to 19, 2003. Uncommitted current-year Community Development Block Grant (CDBG) funds are to be used for the materials costs and need to be in place prior to July. There are also numerous other preliminary activities to be supported by CDBG funds that must be undertaken prior to the arrival of the World Changers group. Thus, the project must be added to the City's 2002-03 Annual Update to the Consolidated Plan, requiring a 30-day

public review before implementation. A legal notice appeared in the Roanoke Times on November 29, 2002, to begin the public comment period, which ended December 30, 2002. No objections to the project were received.

Considerations:

The preliminary activities to be undertaken prior to arrival of the World Changers group are extensive and critical to the success of the project. These include identifying homes and determining homeowner eligibility, preparing work write-ups, assessing and treating affected lead-based paint, securing necessary rehabilitation materials, coordinating with World Changers, and many other details. The City has chosen Blue Ridge Housing Development Corporation Inc. (BRHDC) to be the overall program administrator to perform these functions. A subgrant agreement with BRHDC, similar in form and content to the attachment to this Council Letter, will be needed to outline the various provisions. The \$110,000 in CDBG funds needed for the agreement is being appropriated from additional program income that has been received in excess of current revenue estimates. Housing arrangements for the World Changers youth and adults are being finalized by the City's Youth Planner directly with the Roanoke City Schools and should be completed shortly.

Recommended Actions:

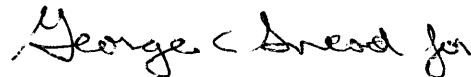
1. Authorize the City Manager to amend the 2002-03 Annual Update to add the World Changers project.
2. Authorize the City Manager to execute a CDBG Subgrant Agreement with Blue Ridge Housing Development Corporation, Inc., similar in form and content to the attachment to this Council Letter, and approved as to form by the City Attorney.
3. a. Increase the revenue estimates in the following revenue accounts:

Parking Lot Income	035-G02-0200-2202	by \$7,400.00
Other Program Income-RRHA	035-G02-0200-2203	by \$1,806.00
Demolitions	035-G02-0200-2204	by \$8,034.00
Home Ownership Assistance	035-G02-0200-2222	by \$3,260.00
Rental Rehabilitation	035-G02-0200-2240	by \$14,270.00
Miscellaneous Program Income	035-G03-0300-2205	by \$1,375.00
Home Ownership Assistance	035-G03-0300-2222	by \$2,813.00
KDL Investments Loan	035-G03-0300-2232	by \$27,076.00
Hotel Roanoke Section 108 Loan	035-G03-0300-2234	by \$5,849.00
Rental Rehabilitation	035-G03-0300-2240	by \$38,117.00

b. Appropriate the funds listed in 3.a. to the following expenditure accounts:

World Changers FY02 Funds	035-G02-0220-5390	\$34,770.00
World Changers FY03 Funds	035-G03-0320-5391	\$75,230.00

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:fb

Attachments

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
Alicia F. Stone, Budget Administrator  
Frank E. Baratta, Budget Team Leader

CM02-00281



# AGREEMENT

This agreement is made and entered into this \_\_\_\_ day of January, 2003, by and between the following parties:

The Grantee	-	City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011
The Subgrantee	-	Blue Ridge Housing Development Corporation, Inc. 510 11 <sup>th</sup> Street, N.W. Roanoke, Virginia 24017

## WITNESSETH

WHEREAS, by Resolution No. 35848-051302, Roanoke City Council approved the 2002-2003 Annual Update to the Consolidated Plan for the Community Development Block Grant (CDBG) program and by Ordinance No. 35914-061702 appropriated funds therefor; and

WHEREAS, by Resolution No. XXXXX-010603, adopted January 6, 2003, Roanoke City Council approved an amendment to the 2002-2003 Annual Update to the Consolidated Plan, which added a housing repair program to be administered by the Subgrantee in coordination with World Changers and Habitat for Humanity in the Roanoke Valley; and

WHEREAS, by Resolution No. XXXXX-010603, adopted January 6, 2003, Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **SCOPE OF SERVICES:**

- a. General -- The project to be undertaken by the Subgrantee under this Agreement shall be known as "World Changers," and shall have as its purpose the rehabilitation of single-family housing. Through CDBG funding provided by the Grantee, the Subgrantee will coordinate the rehabilitation of approximately forty (40) homes located in the Southeast and/or other areas of the City of Roanoke. In addition, BRHDC may coordinate community service projects such as block litter clean-ups, gateway beautification, planting trees or shrubbery in the areas of property rehabilitation. All homes assisted with CDBG funds under this Agreement shall be the principal residences of "eligible homeowners," as described in section 1.b. below. Further, housing activities shall be conducted in a manner consistent with the due diligence, budget

narrative and memoranda of understanding between the Subgrantee and World Changers and with Habitat for Humanity in the Roanoke Valley, which are attached to this Agreement.

- b. Eligible Homeowners -- For the purposes of this Agreement, an "eligible homeowner" shall mean a family whose income, adjusted for family size, does not exceed 80% of the area median income established by HUD and in effect at the time the family applies for assistance. In addition, the home for which the family is applying for assistance must be the family's principal residence. The Subgrantee shall prepare, and retain with records of the project, documentation of its determination of each eligible family's size and income, including the name, age, and the sources and estimated amount of income anticipated for the succeeding twelve months for each individual related by birth, marriage or adoption living in the same household at the time of the determination.
- c. Allowable Expenditures -- Funds provided by the Grantee under this Agreement shall be used by the Subgrantee solely for the costs associated with the coordinate the rehabilitate/construct a total of thirty (30) homes concentrated in the southeast and northwest quadrants of the City of Roanoke. Except as indicated below, funds under this Agreement may be expended for any necessary, reasonable and allowable CDBG costs, including, but not necessarily limited to, staff, marketing, property preparation, supplies and rental equipment, project work, and other related costs associated with the World Changers project. With the Grantee's prior approval, expenditures may also include the cost of capacity-building activities of the Subgrantee, including observation of the Baltimore World Changers project prior to the inception of this Agreement and the World Changers Coordinators Retreat.
- d. Period of this Agreement --This Agreement shall be effective as on January 1, 2003, and, unless amended, shall end September 30, 2003.

## 2. **BUDGET**

Unless amended, the total amount of CDBG fund provided by the Grantee under this Agreement shall not exceed \$110,000. Of this amount, not more than \$\_\_\_\_\_ shall be used by the Subgrantee for general administrative or project delivery costs without prior written approval from the Grantee. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG projects, as appropriate.

## 3. **REQUESTS FOR DISBURSEMENTS OF FUNDS**

- a. Disbursement of funds under this Agreement shall not be requested until the funds are needed for payment of allowable expenses. The amount of each disbursement request must be limited to the amount needed.

- b. In general, disbursements shall be requested no more frequently than monthly, and shall be submitted to the Grantee's Department of Management and Budget in form and content satisfactory to the Grantee, including copies of invoices or bills from vendors supporting the request. Requests for payment of staff wages and benefits shall be supported by payroll summaries or similar documentation.
- c. Disbursement of funds to the Subgrantee for properly documented requests will generally be made within ten (10) days of receipt, subject to the allowability of costs and the timely receipt of monthly reports (see section 5 below).
- d. All requests for disbursements of funds associated with activities under this Agreement must be received by the Grantee within 30 calendar days of the ending date set forth in section 1.d. above. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has expired.

#### 4. **RECORDS REQUIREMENTS**

- a. Records to be maintained -- At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the requirements of 24 CFR 570.506, and 570.507, as applicable.
- b. Period of record retention -- In compliance with the requirements of 24 CFR 570.502(b), the Subgrantee shall retain financial and project documents and records pertaining to this Agreement for a period of four (4) years, as applicable, or the conclusion of any legal or administrative process requiring their use, whichever is later.
- c. Access to records -- The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 84.53.

#### 5. **REPORTING REQUIREMENTS**

- a. By the 7th working day following the end of each month, the Subgrantee shall report the progress of activities covered by this Agreement, in a format acceptable to the Grantee's Department of Management and Budget. Such monthly reports shall include, but not be limited to, the following:
  - (1) A narrative section summarizing progress to-date on each program included under the Scope of Services and documents any matching funds identified or to be contributed by the Subgrantee;
  - (2) A list of monthly gross program income receipts from all sources;

- (3) A list of any real or non-expendable personal property, including equipment, purchased with CDBG funds; and
  - (4) A table providing data on each housing unit and eligible family assisted (see Attachment A for minimum data elements to be reported).
- b. The Subgrantee agrees to submit any other reports or documentation as requested by the Grantee concerning activities covered under this agreement.

6. **MONITORING**

The Subgrantee shall monitor the progress of the project covered by this Agreement, and shall submit appropriate reports to the Grantee's Department of Management and Budget. In addition, it is the Grantee's intention to monitor the Subgrantee's performance and financial and programmatic compliance, which may include on-site reviews, at least once during the period of this Agreement.

7. **ANNUAL AUDIT**

As an entity receiving more than \$300,000 in federal funding from the Grantee, the Subgrantee shall provide for an annual independent audit of the CDBG/HOME expenditures under this Agreement which complies with OMB Circular A-133. Within 30 days following its completion, two (2) copies of the audit will be provided to the Grantee's Department of Management and Budget.

8. **PROGRAM INCOME:**

"Program income" means gross income received by the Grantee or Subgrantee directly generated from the use of CDBG funds. Program income from any and all sources shall be submitted to the Grantee within five (5) days of its receipt by the Subgrantee. No program income is expected.

9. **REVERSION OF ASSETS**

- a. Upon expiration or termination of this Agreement, including any amendments thereto, the Subgrantee shall transfer to the Grantee any CDBG funds or Program Income on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG funds.
- b. Any real property under the Subgrantee's control that was acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000:
  - (1) Shall continue for a period of not less than five years following expiration of this Agreement, including any amendments thereto, to be used to meet one of the CDBG national objectives cited in 24 CFR 570.208; or
  - (2) If the property is not used in accordance with paragraph (1) above, the

Subgrantee shall pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment shall be considered Program Income to the Grantee.

10. **SUSPENSION AND TERMINATION**

In the event the Subgrantee materially fails to comply with any term of the Agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.

11. **COMPLIANCE WITH FEDERAL REGULATIONS**

The Subgrantee agrees to abide by the HUD conditions for CDBG programs as set forth in Attachment B and all other applicable federal regulations relating to specific programs performed hereunder. Further, the Subgrantee agrees to require compliance with applicable federal regulations of the contractor by agreement.

12. **SECTION 504:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended which prohibits discrimination against the disabled in any federal assisted program.

13. **OTHER PROGRAM/PROJECT REQUIREMENTS**

In addition to other requirements set forth herein, the Subgrantee shall likewise comply with the applicable provisions of Subpart K of 24 CFR 570, in accordance with the type of project assisted. Such other requirements include, but are not necessarily limited to, the following.

- b. Property standards and lead-based paint -- All housing assisted shall meet the Statewide Building Code and the lead-based paint requirements in 24 CFR 570.608. In accordance with regulations, the Subgrantee shall adhere to lead-based paint abatement practices, as applicable, and in no case shall use lead-based paint in the construction or rehabilitation of the properties assisted under this Agreement.
- d. Section 109 -- In accordance with Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 3535(d)), no person in the United States shall on grounds of race, color, religion, sex or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds available under this Agreement. (See also Attachment B.)

- e. Conditions for religious organizations -- The Subgrantee shall not grant or loan any CDBG funds to primarily religious organizations for any activity including secular activities. In addition, funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for homeowners to be assisted under this Agreement.
- f. Labor standards -- As herein structured, the program covered by this Agreement is not considered subject to federal Labor Standards, including prevailing (Davis-Bacon) wage rates for non-volunteer labor. Such standards will be applicable in the event CDBG funds are used for infrastructure improvements. Such standards will also become applicable for any single structure in which more than 7 housing units are assisted.
- g. Environmental standards -- In accordance with 24 CFR 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements may include, but are not necessarily limited to, historic significance, floodplain, and hazardous sites. The Grantee has performed the tiered review necessary to initiate the preliminary program activities; however, no CDBG funds may be expended for a given property prior to the Subgrantee's individual property review and completion of the required Subgrantee environmental checklist. All specifications for proposed housing rehabilitation under this Agreement will be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act. The results of this historic review shall be reflected in the Subgrantee's environmental checklist and no work shall proceed on any given property until the Subgrantee has completed the respective checklist, including the results of the historic review.
- h. Displacement and relocation -- In accordance with 24 CFR 570.606, the Subgrantee shall take all reasonable steps to minimize displacement as a result of the activities described in section 1. Any persons displaced as a result of the activities under this Agreement shall be provided relocation assistance to the extent permitted and required under applicable regulations.
- i. Employment and contracting opportunities -- In accordance with 24 CFR 570.607, the activities under this Agreement are subject to the requirements of Executive Order 11246, as amended, and Section 3 of the Housing and Urban Development Act of 1968. The former prohibits discrimination on federally-assisted construction contracts and requires contractors to take affirmative action regarding employment actions. The latter provides that, to the greatest extent feasible and consistent with federal, state and local laws, employment and other economic opportunities arising housing rehabilitation, housing construction and public construction projects shall be given to low- and very-low-income persons. (See also Attachment B.)

- j. Debarment and suspension -- In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any of the activities under this Agreement. The Subgrantee will submit to the Grantee's Department of Management and Budget the names of all contractors and subcontractors selected under this Agreement to determine if such contractors or subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal transactions.
- k. Uniform administrative requirements -- The Subgrantee shall comply with the requirements and standards set forth in 24 CFR 570.502, and all applicable CDBG and other federal regulations pertaining to the activities performed under this Agreement.
- l. Conflict of interest -- In accordance with 24 CFR 570.611, no covered individual who exercises any functions or responsibilities with respect to the program, during his tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. The Subgrantee shall incorporate, or cause to be incorporated, in any contracts or subcontracts pursuant to this Agreement a provision prohibiting such interest pursuant to the purposes of this section.

14. **EQUAL EMPLOYMENT OPPORTUNITY**

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. The Subgrantee will include the provisions of the foregoing subsections (a), (b)

and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

15. **DRUG-FREE WORKPLACE**

The Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

16. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

17. **THIRD-PARTY CONTRACTS**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

18. **INDEMNIFICATION**

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of the Subgrantee including: (a) the Subgrantee's use of the streets or sidewalks of the Grantee or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account thereof, the Subgrantee, upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents,



volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with the Subgrantee, then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

19. **INDEPENDENT CONTRACTOR**

Services performed under this agreement shall be performed on an independent contractor basis and under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder.

20. **SUCCESSORS**

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

21. **ENTIRE AGREEMENT**

This Agreement, including all of its Attachments, represents the entire agreement between the parties and shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

22. **AMENDMENTS**

The Grantee may, from time to time, require changes in the obligations of the Subgrantee hereunder, or its City Council may appropriate further funds for the implementation of this HOME rehabilitation project. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated by written amendment to this Agreement.

21. **GOVERNING LAW**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

23. **AVAILABILITY OF FUNDS**

CDBG and HOME funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

24. **ANTI-LOBBYING**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By \_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

FOR THE SUBGRANTEE:

By \_\_\_\_\_  
Cyndi Stultz, Secretary

By \_\_\_\_\_  
Alvin Nash, President and CEO

APPROVED AS TO CDBG ELIGIBILITY

APPROVED AS TO FORM

\_\_\_\_\_  
Department of Management and Budget

\_\_\_\_\_  
Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS  
FOR THIS CONTRACT CERTIFIED

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Director of Finance

Date \_\_\_\_\_

Account # \_\_\_\_\_

## **Attachments**

**Attachment A – Housing/Beneficiary Reporting Elements**

**Attachment B – Special Federal Terms and Conditions**

**Attachment C – BRHDC Due Diligence**

**Attachment D – BRHDC Budget Narrative**

**Attachment E – BRHDC/World Changers Agreement**

**Attachment F – BRHDC/Habitat for Humanity Agreement**

### **Housing/Beneficiary Reporting Elements**

On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee summarizing progress on the project to-date. Accompanying the narrative, the Subgrantee shall submit data in a table or spreadsheet format that is needed in order that the Grantee may complete its required reports to HUD. Data provided by the Subgrantee shall include:

- Property
  - Address
  - Number of bedrooms
  - Status (pending, under construction, completed or sold)
- Homeowner
  - Name
  - Total family income (projected for 12 months following determination)
  - Number in family
  - Ethnic group
  - Whether family is headed by a single female
  - Whether head of household is disabled
- CDBG funds committed to property
- Prime Contractor (if applicable)
  - Name
  - Federal I.D. Number (or Owner Social Security Number)
  - Whether Minority-Owned, Women-Owned or Both
  - CDBG funds committed to Prime
- Subcontractor (if applicable; provide separate data for each subcontractor)
  - Name
  - Federal I.D. Number (or Owner Social Security Number)
  - Whether Minority-Owned, Women-Owned or Both
  - CDBG funds committed to Subcontractor

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
SPECIAL TERMS AND CONDITIONS  
(Agreements \$10,000 or Over)

1. **"Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:**
  - a. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
  - b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
  - c. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
  - d. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.
2. **Equal Employment Opportunity:** Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- c. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Subgrantee will comply with all provisions of Executive Order 11246 of

September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

- e. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- f. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for



Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. **Nondiscrimination Under Title VI of the Civil Rights Act of 1964:** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.
4. **Section 504 and Americans with Disabilities Act:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.
5. **Obligations of Subgrantee with Respect to Certain Third-party Relationships:** The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.
6. **Interest of Certain Federal Officials:** No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share

or part of this Agreement or to any benefit to arise from the same.

7. **Prohibition Against Payments of Bonus or Commission:** The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.
8. **"Section 109":** This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.
9. **Access to Records and Site of Employment:** This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.
10. **Legal Remedies for Contract Violation:** If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:
  - a. Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
  - b. Disallow all or part of the cost of the activity or action not in compliance,
  - c. Wholly or partly suspend or terminate the current Agreement, or
  - d. Take other remedies that may be legally available.

## **BRHDC Due Diligence**

## **BRHDC Budget Narrative**

## **BRHDC/World Changers Agreement**

## **BRHDC/Habitat for Humanity Agreement**

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Community Development Block Grant FY03	\$2,756,264
Housing FY2003 (1) .....	1,157,763
Community Development Block Grant FY02	3,609,317
Housing FY2002 (2) .....	509,376

**Revenues**

Community Development Block Grant FY03 (3-7) .....	\$2,756,264
Community Development Block Grant FY02 (8-12) .....	3,609,317

1) World Changers FY03 Funds	(035-G03-0320-5391)	\$ 75,230
2) World Changers FY02 Funds	(035-G02-0220-5390)	34,770
3) Miscellaneous Program Income	(035-G03-0300-2205)	1,375
4) Home Ownership Assistance	(035-G03-0300-2222)	2,813
5) KDL Investments Loan		
Repayment	(035-G03-0300-2232)	27,076
6) Hotel Roanoke Section 108		
Loan Repayment	(035-G03-0300-2234)	5,849
7) Rental Rehabilitation		
Repayment	(035-G03-0300-2240)	38,117
8) Parking Lot Income	(035-G02-0200-2202)	7,400
9) Other Program Income-RRHA	(035-G02-0200-2203)	1,806
10) Demolitions	(035-G02-0200-2204)	8,034
11) Home Ownership Assistance	(035-G02-0200-2222)	3,260
12) Rental Rehabilitation		
Repayment	(035-G02-0200-2240)	14,270

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

WMH  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to amend the 2002-2003 Consolidated Plan Annual Update regarding the World Changers project, including submission of necessary documents to the U.S. Department of Housing and Urban Development (HUD), and to enter into a 2002-2003 Community Development Block Grant (CDBG) Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., regarding the World Changers project, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that, as more particularly set forth in the City Manager's letter dated January 6, 2003:

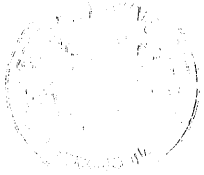
1. The City Manager is hereby authorized to amend the 2002-2003 Consolidated Plan Annual Update regarding the World Changers project, including submission of necessary documents to HUD; and

2. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, a 2002-2003 CDBG Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., regarding the World Changers project, such agreement to be approved as to form by the City Attorney.

ATTEST:

City Clerk.





## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Nuisances Adjacent to Private  
Property

### **Background:**

As authorized by State law, Section 33-18 of the Code of the City of Roanoke (1979) declares weeds and trash on private property to be a public nuisance required to be abated. Roanoke enforces these provisions with owners of private property in violation of the ordinance. However, narrow areas of public rights-of-way adjacent to private property, e.g. between road pavement and sidewalks or property lines, or along alleys, are frequently overgrown. Maintenance of these narrow areas is problematic within our existing resources.

### **Considerations:**

Owners of private properties currently have some maintenance responsibilities for adjacent public property, e.g. removal of snow from sidewalks. In many cases, property owners already take care of adjacent rights-of-way to the edge of streets and in alleys. Where owners do not do so and City of Roanoke crews cannot mow, trim or pick up trash frequently, streetscape appearance often is poor and presents a negative image of the community. State code allows responsibility for removal of nuisances from public property to be assigned to owners of property affected, and several other localities around the state do so, including Newport News, Richmond, Norfolk, and Bedford.

Recommended Action:

City Council approve the attached amendment to Section 33-17 of the Code of the City of Roanoke to extend responsibility for weeds and trash on public rights-of-way along streets and alleys to the owners of adjacent private property. This amendment is part of the City of Roanoke's effort to improve the appearance of its streetscapes and neighborhoods throughout Roanoke.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham", written in a cursive style.

Darlene L. Burcham  
City Manager

DLB:hdp

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
George C. Snead, Asst. City Manager for Operations  
Rolanda Johnson, Asst. City Manager for Community Development  
Robert K. Bengtson, Director of Public Works  
F. Mike Etienne, Acting Director, Housing and Neighborhood Services

CM02-00280

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining subsection (d), (e) and (g) of §33-17, Definitions, of Chapter 33, Vegetation, of the Code of the City of Roanoke (1979), as amended, to amend the definition of Owner, Parcel and Weed or weeds; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Subsection (d), (e) and (g) of §33-17, Definitions, of Chapter 33, Vegetation, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

§33-17. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

\* \* \*

(d) *Owner* means any person shown by any public record maintained by any circuit court, general district court, treasurer, commissioner of revenue or city clerk to have an interest in ~~real-estate~~ a parcel lying in the City of Roanoke, Virginia as of the date of the abatement of public nuisance under this article or any successor in title taking with actual or constructive notice of the existence of a public nuisance.

(e) *Parcel* means any real estate (and any interest therein) lying in the City of Roanoke, Virginia, identified by a City of Roanoke Official Tax

Number, and including the area in the public right-of-way which is between the property line of the real estate which is identified by a City of Roanoke Official Tax Number and the curb, the improved portion of a roadway, or the centerline of any alley or unimproved street. Such term shall not include any real estate lying in an RA, Residential Agriculture District, as defined elsewhere in this Code.

\* \* \*

(g) *Weed or weeds* means any plant, grass or other vegetation over ten (10) inches height growing upon ~~private property~~ a parcel in the City of Roanoke, including, but not limited to, any sage brush, poison oak, poison ivy, Ailanthus Altissima (commonly called Tree of Heaven or Paradise Tree), ragweed, dandelions, milkweed, Canada thistle, and any other undesirable growth, excluding trees, ornamental shrubbery, vegetable and flower gardens purposefully planted and maintained by the property owner or occupant free of weed hazard or nuisance, cultivated crops, or undisturbed woodland not otherwise in violation.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
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January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:       Appropriation of Funds to Complete  
                  Payment of Job Grants to Carilion  
                  Health System

**Background:**

On September 1, 1998, the City of Roanoke and Carilion Health System (CHS) entered into an agreement whereby CHS agreed to move or create at least 310 positions in Enterprise Zone One. The City agreed to make available job training grants in the amount of up to \$1000 per employee, not to exceed \$500,000, through the Fifth District Employment and Training Consortium (FDETC).

**Considerations:**

CHS has experienced more growth than the minimum 310 committed positions and has requested more training funds than initially set aside. The total request for training funds for 550 positions was \$471,353.42, while the City only appropriated \$310,000 for CHS's training funds originally. In February 2002, City Council appropriated an additional \$25,678 to help bring the total paid to CHS to \$335,677.83. The FDETC still owes CHS \$135,675.59, an amount equal to two payment requests by CHS that went un-addressed due to staff turnover and the misdirection of requests. This amount needs to be funded by the City to FDETC. This payment will complete all commitments under the agreement.

Honorable Mayor and Members of Council  
January 6, 2003  
Page 2

Recommended Action:

Appropriate \$135,676 from Capital Improvement Reserve (Account 008-052-9575-9181) into the CHS training grant account, 008-310-9699-2044.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/sem

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Elizabeth A. Neu, Director of Economic Development

# CM02-00282

AHS  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

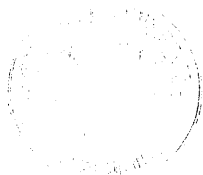
**Appropriations**

Economic Development		\$	33,047,216
Carilion Training Incentive 2002 (1) .....			161,354
Capital Improvement Reserve		\$	6,999,440
Capital Improvement Reserve (2) .....			1,174,593
1) Appropriated from			
General Revenue	(008-310-9699-9003)	\$	135,676
2) Streets and Bridges	(008-052-9575-9181)		(135,676)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

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January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: New Concrete Sidewalks, Entrances  
and Curb – Phase VIII  
Bid No. 02-11-06

City Council was recently briefed on the categories toward which curb and sidewalk projects are being focused using the \$5 million in bond funds generated for this purpose. This project is responsive to a number of individual citizen requests and provides for the installation of approximately 20,000 square feet of sidewalk, 12,000 linear feet of curb and 9,000 square feet of entrances on various streets within the City as shown on Attachment #2.

The City Manager plans to award a contract for the above project to H. & S. Construction Company in the amount of \$477,250, with 365 consecutive calendar days of construction time. Funding needs to be provided as set forth below.

Funding in the amount of \$525,000 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses. Funding in the amount of \$525,000 is available in Public Improvement Bonds - Series 2002, Curb and Gutter, account number 008-530-9711-9195.



The Honorable Mayor and Members of Council  
January 6, 2003  
Page 2

Recommended Action:

Transfer \$525,000 from Public Improvement Bonds - Series 2002, account number 008-530-9711-9195, to an account to be established by the Director of Finance entitled Curb, Gutter and Sidewalk – Phase VIII.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Darlene L. Burcham", written in a cursive style.

Darlene L. Burcham  
City Manager

DLB:JGB:na

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, City Engineer  
Robert H. Bird, Acting Manager, Purchasing Department

#CM02-00288

**TABULATION OF BIDS**

**NEW CONCRETE SIDEWALKS,  
ENTRANCES AND CURB  
PHASE VIII  
ROANOKE, VIRGINIA  
BID NO. 02-11-06**

Bids were opened by the Purchasing Department, on Tuesday, December 10, 2002, at 2:00 p.m.

BIDDER	AMOUNT
H. & S. Construction Company	\$477,250
S. C. Rossi & Company	\$555,500
Allegheny Construction Co., Inc.	\$751,750
*Snyder & Associates	\$462,250

Engineering Estimate \$530,000.00

Office of the City Engineer  
Roanoke, Virginia  
December 10, 2002

\*Bid withdrawn due to errors.

**SECTION 1B-1  
PROJECT LOCATIONS**

<b>Curb</b>	
Monticello Avenue, N.E.	900 Block
Forest Hill, N. E.	300 Block
28 <sup>th</sup> Street, S. W.	Beside House at 2729 Crystal Spring Ave.
Campbell Avenue, S. E.	17 <sup>th</sup> Street to 18 <sup>th</sup> Street
Greenbrier Avenue, S. E.	1837
Stephenson Avenue, S. W.	2803, 2811 and 2815 Fill-In
Stewart Avenue, S. E.	1800 Block

<b>Curb and Sidewalk</b>	
8 ½ Street S. E.	Campbell to Tazwell
Gilmer Avenue, N. W.	1100 Block
Harrison Avenue, N. W.	Gainsboro to 2 <sup>nd</sup> Street
Crowmoor Street, N. W.	504 to 560
Wentworth Avenue, N. E.	Cook to Brightwell
Fairfax Avenue, N. W.	1000 Block
Hanover Avenue, N. W.	10 <sup>th</sup> Street to 8 <sup>th</sup> Street South Side - Fill-In North Side as needed

<b>Sidewalk</b>	
6 <sup>th</sup> Street, S. E.	510 to Dale
Plantation Road	From existing along rear of Monterey School

Project: New Concrete Sidewalks,  
Entrances and Curb - Phase VIII

Project Locations  
Section 1B-1

AHS  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

6.a.4.

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

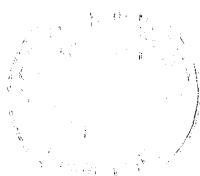
Streets and Bridges	\$	21,632,625
Curb, Gutter and Sidewalk - Phase VIII (1).....		525,000
Capital Improvement Reserve	\$	6,315,116
Public Improvement Bonds - Series 2002 (2).....		3,391,630

- 1) Appropriated from Series  
2002 Bond Issue (008-530-9797-9076) \$ 525,000
- 2) Curb, Gutter and  
Sidewalk Improvements (008-530-9711-9195) (525,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
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 Roanoke, Virginia 24011-1591  
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January 6, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Grant Application on Behalf of  
 Virginia CARES Program

### Background:

The Virginia Community Action Re-entry System, Inc. (Va. CARES) is a nonprofit organization with its home office in the City of Roanoke and extensive experience in offender services. For July 1, 2002, to June 30, 2003, the Virginia Department of Criminal Justice Services (DCJS) awarded nearly \$950,000 in State funding to Va. CARES to continue its statewide, multi-office, pre-release and post-incarceration assistance program. Due to budget cuts, DCJS recently notified Va. CARES that its State funding would terminate on December 31, 2002, but that federal funding under the Byrne Memorial Formula Grant Program (Byrne Grant), administered by DCJS, could be made available to support the program through the end of the fiscal year. However, the federal funds require a 25% cash match and may be awarded only to a locality, which would then be expected to contract with Va. CARES to conduct the offender services. To meet DCJS' deadline to ensure availability of the federal funds, Va. CARES submitted an application on November 15<sup>th</sup>, indicating the City as Grantee, based on an understanding that this was not final. The application requested \$331,102 in Byrne Grant funding and pledged \$110,362 in matching funds, for a total of \$441,464 in funding for the six months.

### Considerations:

If the City formally agrees to be the Grantee under the Byrne Grant application, it will become responsible for the entire Va. CARES program serving forty-four (44) cities and counties through nine (9) subcontractors dispersed across the Commonwealth. A grant agreement would be executed with DCJS, whereby the City would become the project administrator and fiscal agent. It is in the City's interests that this fiscal agent role be limited as much as possible to a "pass-

through" capacity, with day-to-day operational activities, such as service delivery, payroll functions and vendor payments, administered by the Va. CARES home office and its subcontractors.

Given the City's own budgetary constraints, it is critical that the City not take on financial liability for the matching funds requirement. Under the DCJS funds that expired on December 31, 2002, Va. CARES was required to contribute matching funds, which it secured through local sources and its subcontractors. As a condition for becoming the Grantee for the federal funds, the City has stipulated that Va. CARES must provide the matching funds up front to operate during the initial six or more weeks under the Byrne Grant. By requiring Va. CARES to expend matching funds first, the City can eliminate the potential liability for providing matching funds. After the initial operating period, the City would disburse grant funds to the Va. CARES home office on a monthly basis. Disbursements would require documentation of allowable costs and additional matching funds, ensuring that these requirements are being satisfied. Initial use of match funds by Va. CARES is, in any case, necessary since grant funds cannot be drawn and disbursed until after City Council's action on the recommendation made in this report and necessary State and subgrant agreements are executed. At the January 21, 2003, meeting, a separate report will be submitted to City Council to accept the Byrne Grant, appropriate funding, and authorize the City Manager to execute the agreement with Va. CARES.

Recommendation:

Authorize the City Manager to sign, on behalf of the City, the Va. CARES Byrne Grant application, contingent upon Va. CARES having secured cash matching funds sufficient to support its operations for a minimum of six weeks.

Respectfully submitted,



Darlene L. Burcham  
City Manager

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
Frank E. Baratta, Budget Team Leader

CM02-0293

W48

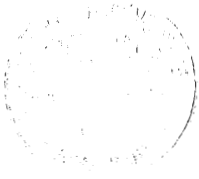
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to apply for a grant from the Virginia Department of Criminal Justice Services.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager be and she is hereby authorized to sign on behalf of the City an application to the Virginia Department of Criminal Justice Services for a Byrne Memorial Formula Grant in the amount of \$331,102, provided that Virginia CARES secures the required cash matching funds in the amount of \$110,362.

ATTEST:

City Clerk.



## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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January 6, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Advertising Policy  
for City Publications

### Background:

The city produces a number of publications on a regular basis, including *Roanoke Citizen* magazine and an annual municipal calendar, which are distributed to every household in Roanoke; *City Corner*, an internal newsletter distributed to approximately 3,000 city employees and retirees; and *Happenings*, a Parks and Recreation tabloid distributed through *The Roanoke Times*.

These publications represent a significant expense to the city, but they also represent significant opportunities for commercial and non-profit advertisers to reach their potential customers, so long as their advertising is limited to paid advertising for consumer goods and services. The city has received a number of requests to advertise in these publications, and the advertising policy and fees proposed in the attached resolution would provide a uniform way to accept this advertising and recover a portion of the expense of providing these valuable public information services.

### Considerations:

Most localities in Virginia do not produce publications of similar length, frequency or distribution as the Roanoke publications listed above. Of localities with comparable publications, Norfolk and Virginia Beach are the most notable



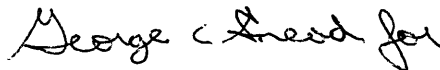
examples for which advertising plays a large role. The proposed Roanoke advertising policy incorporates several provisions of the Norfolk and Virginia Beach policies, including prohibitions against political, religious, sexually oriented or issue advocacy advertisements.

The advertising fees in the proposed policy are based on staff research of market rates for advertisements in similar commercial publications in the region.

Recommended Action:

City Council approve the proposed advertising policy and amend the Fee Compendium to accept advertising in the above-named city publications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:ctf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Christopher L. Slone, Director of Communications

CM02-00271

WMH  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION adopting a Publications Advertising Policy for the City of Roanoke, establishing advertising fees and amending the City's Fee Compendium.

WHEREAS, the City has numerous informative publications, and is desirous of selling advertising space in those publications; and

WHEREAS, in accordance with the recommendations contained in the City Manager's letter to Council dated January 6, 2003, the following proposed fees should be included in the Fee Compendium and the proposed advertising policy should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Council of the City of Roanoke hereby adopts the following advertising policy and establishes fees for advertising in the publications of the City.

A. Advertising in the Roanoke Citizen magazine, Roanoke municipal calendar, City Corner newsletter, and Happenings brochure shall be limited to paid advertising for consumer goods and services. Political, religious, sexually oriented or issue advocacy advertisements shall be prohibited.

B. Appropriate advertising shall be accepted on a first-come, first served basis as space is available in each publication.

C. All advertising costing \$250 or less must be paid for at the time the advertisement is submitted. For advertising costing more than \$250, no less than half is to be paid at the time the advertisement is submitted, with the balance due thirty days thereafter. All checks should be made out to "City Treasurer."

D. The City reserves the right to change publication dates with thirty days notice to advertisers.

E. The deadline for all advertising placement is one month prior to the publication date.

F. All advertising placement is at the discretion of the editor. Advertising rates shall be in the following amounts:

Roanoke Citizen magazine	Full-page inside cover	\$5,000
	Full-page inside	\$4,000
	Half-page inside	\$2,500
Roanoke municipal calendar	Back cover	\$6,000
City Corner Newsletter	Half-page	\$ 250
	Quarter-page	\$ 150
	Eighth-page	\$75
Happenings Brochure	Full-page back cover	\$3,000
	Full-page inside covers	\$2,000
	Full-page inside	\$1,000
	Half-page inside	\$ 600
	Quarter-page inside	\$ 350

G. The City Manager shall have the authority to reduce advertising rates to the extent appropriate to credit advertisers for goods or services provided to the City, to provide discounts of up to fifty (50%) for non-profit advertising, or to provide discounts of up to twenty-five percent (25%) for advertisers who agree to place multiple advertisements in City publications.

2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the new fees for advertising in the publications of the City.

3. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

Director of Finance

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

January 6, 2003

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable William H. Carder, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**SUBJECT:** November Financial Report

This financial report covers the first five months of the 2002-2003 fiscal year. The following narrative discusses revenues and expenditures to date.

### REVENUE

General fund revenues are down 0.5% compared to the same period last year. The City was notified in October of approximately \$387,000 in State revenue reductions. Further cuts were proposed in Governor Warner's recommended budget revisions presented on December 20, 2002. We are currently assessing the impact of the additional proposed reductions and will closely monitor General Assembly actions on the Governor's proposed budget amendments. Variances in specific categories of revenues are as follows:

**General Property Taxes** increased 5.11% or \$1,289,000. Real estate taxes, which were due October 5, increased 5.01%, and achieved 50.48% of the budget estimate. Personal property levies, generated primarily from pro-rata assessments for vehicle trades and purchases, were up from the prior year. However, the majority of property tax revenue will be received in the latter part of the fiscal year as the annual assessments become due. Public service corporation taxes declined, partially due to a number of large refunds processed in the current year. In addition, billing of this tax was later than in the prior year, causing a timing difference in collections.

**Other Local Taxes** declined 1.30% or \$185,000. Electric and telephone utility tax decreased due to timing differences in monthly collections. Telecommunications right of way use fees also declined due to timing differences. Business and professional occupational license (BPOL) tax was down, but the majority of this tax will be received in future months as the tax becomes due March 1. As of November 30<sup>th</sup>, sales tax revenues were up nearly 4% compared to the prior year. However, inclusive of the mid-December collection which represented retail sales activity for the month of October, sales tax is now up only about 2% on a year-to-date basis when compared to the prior year. Cellular phone tax revenue has increased due to efforts by City staff to ensure service providers correctly remit revenues to the proper jurisdictions. Effective July 1, 2002, admissions tax rates were increased from 5% to 6.5%, and collections for the current year increased substantially. Transient room tax also increased from the prior year.

**Permits, Fees and Licenses** declined 19.25% or \$88,000. Permit valuations for commercial projects during the first five months of the current fiscal year were lower than the same period in the prior year, having a negative impact on building and heating inspection fees. Elevator inspection has been privatized with the majority of fees paid directly to a third party, causing a decline in elevator inspection revenues. There was also an expenditure decline related to this privatization effort.

**Fines and Forfeitures** increased 47.34% or \$168,000. Parking ticket revenue was up almost \$126,000 from the prior year. In late fall of the prior year, the ticketing function was civilianized. As a result, the number of parking tickets issued increased substantially. Also, the penalty for late payment of parking tickets was increased effective July 1, 2002, generating additional parking ticket revenue. General District Court fines were up due to an increased caseload.

**Grants-in-Aid Commonwealth** decreased 12.60% or \$1,624,000. Social services revenue declined due to a timing difference in collection of monthly reimbursement from the Commonwealth. As anticipated, revenue received from the state under the Virginia Juvenile Community Crime Control Act (VJCCCA) for the first two quarters of FY03 decreased 51% from the prior year. Revenue received under HB599 for law enforcement declined 7.4%. Jail block grant revenues are down almost 16% from the prior year due to a change in the formula used to calculate per diem reimbursements for the housing of inmates. The new formula includes a state cost recovery component based on the percentage of federal prisoners or inmates from other states held by contractual agreement. This component decreases the jail block grant payments to the City. Reimbursement received for shared expenses of the constitutional offices was down more than 4% due to normal operating occurrences. Future month reimbursements from the compensation board will further decline as state budget reductions take effect.

**Charges for Services** rose 22.66% or \$236,000. Several new fees were authorized by the 2002 General Assembly and were effective July 1, 2002, including a courthouse security fee, inmate processing fee and DNA sampling fee. Circuit Court Clerk fees were up due to the recording of deeds for a number of high value property sales in the current year. A new fee structure for bulk garbage collection generated additional revenue. A rate increase in EMS fees was effective April 1, 2002, contributing to the increase in this category. While overall revenue in this category is up from the prior year due to fee increases and the establishment of new fees, several of these fees are under performing their estimates.

**Miscellaneous Revenue** declined 21.27% or \$23,000. This is a result larger seized property and surplus property sales in the prior year for the same time period.

**Internal Services** decreased 11.25% or \$46,000. Airport billings are based on operating costs of the fire station located adjacent to the airport. Personal services costs of the airport fire station were down, causing a decline in airport billings. Internal billings for street and grounds maintenance were also down.

### **EXPENDITURES AND ENCUMBRANCES**

General fund expenditures and encumbrances have decreased .70% or \$620,000 compared to FY02. Variances in individual expenditure categories are discussed as follows:

**General Government** expenditures decreased 5.63% or \$275,000 largely due to a decline in personal service costs in various departments due to a hiring slow down. Reimbursement from the Schools for services provided by Municipal Auditing was received earlier in FY03 than the prior year. Since this is accounted for as a recovered cost, it has the effect of reducing expenditures in FY03 compared to FY02.

**Health and Welfare** expenditures rose 11.16% or \$1,042,000. Timing differences in payment to the Health Department contributed to this increase. Expenditures under the Comprehensive Services Act (CSA) were up due to a substantial increase in the number of children in foster care who are not eligible for Title IV-E payments. Special education private day school placements were also up from the prior year, contributing to the increase in CSA expenditures. The City's share of the state and local hospitalization program increased from the same period in the prior year.

**Parks, Recreation and Cultural** expenditures declined 9.93% or \$221,000. Personal services costs of the Recreation department decreased due to vacancies in a number of full-time positions. In addition, several labor-intensive program cuts, the elimination of a project assistant position and shortened hours at pool facilities caused temporary wage costs to decline. Pool supplies, a scoreboard and miscellaneous furnishings and appliances for the fitness centers were purchased in the prior year. Library costs were down due to a decrease in publication and subscription expenditures. Department of Technology charges also declined.

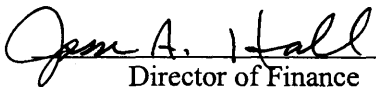
**Community Development** expenditures rose \$269,000 or 12.59% due to an increase in Housing and Neighborhood Services costs. In September of FY02, this department was reorganized, and additional positions were added to handle changes in the code enforcement area. Thus, the first months of FY02, prior to reorganization, reflect lower personal services costs. Department of Technology charges were also higher in the current year.

**Transfer to Debt Service Fund** increased 50.16% or \$4,014,000. The current fiscal year was the first year principal and interest payments were required for the Series 2002A General Obligation Bonds, and a larger principal payment was required on the Series 1997B Bonds, increasing the required transfer amount. The final principal and interest payments were made in the prior fiscal year for Series 1992 Refunding Bonds, partially offsetting these increases.

**Transfer to School Fund** increased \$996,000 or 5.20%. CMERP appropriations totaling \$691,811 were transferred in the current year while no CMERP funds had been transferred by November 30 of the prior year. These funds will be used for various school projects including technology requests, bus replacement, facility maintenance and physical education equipment.

**Nondepartmental** expenditures decreased 59.34% or \$5,261,000. A timing difference in the transfers to Capital Projects Fund contributed to this variance. Essentially all transfers to the Capital Projects Fund were made at the beginning of FY02, but these are planned for mid- and end of year in FY03, consistent with other General Fund budgeted transfers. A larger amount of CMERP funding was transferred to the Capital Projects and Department of Technology Funds in the prior year. Transfers to Greater Roanoke Transit Company have decreased, partially offsetting these increases.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.

  
Director of Finance

JAH/tht  
Attachments

**CITY OF ROANOKE, VIRGINIA  
SUMMARY OF CITY MANAGER TRANSFERS  
AND AVAILABLE CONTINGENCY  
NOVEMBER 30, 2002**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>General Fund:</u></b>					
CMT-1368	09/03/02	The Art Project Feasibility Study	Contingency*	Memberships and Affiliations	\$ 37,500
CMT-649	09/26/02	American Flag Inventory	Police Patrol	Transportation-Engineering and Operations	5,100
CMT-651	11/12/02	Terrorism Conference	Fire-Support	Environmental Services and Emergency Management	1,195
CMT-653	11/11/02	Terrorism Conference	Police Training	Environmental Services and Emergency Management	669
Total General Fund					<u>\$ 44,464</u>
<b><u>Capital Projects Fund:</u></b>					
CMT-646	09/20/02	Century Square Project	Special Park Project Grants	Sister City Century Square Upgrade	\$ 145
CMT-646	09/20/02	Century Square Project	Roanoke River Center Phase I	Sister City Century Square Upgrade	3,855
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Environmental Issues-PWSC	5,000
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Settlement State DEQ-PWSC	60,000
Total Capital Projects Fund					<u>\$ 69,000</u>
<b><u>Available Contingency</u></b>					
Balance of Contingency at July 1, 2002					\$ 476,300
*Contingency Transfers From Above					(37,500)
Contingency Appropriations Through Budget Ordinances:					
BO 36022	08/19/02	Drug Prosecutor	Contingency	Transfer to Grant Fund	<u>(9,381)</u>
Available Contingency at November 30, 2002					<u>\$ 429,419</u>



**CITY OF ROANOKE, VIRGINIA  
GENERAL FUND**

**STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - Nov 30 2001-2002	July 1 - Nov 30 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 25,248,577	\$ 26,537,875	5.11 %	\$ 78,340,707	33.87%
Other Local Taxes	14,263,547	14,078,598	-1.30 %	59,301,164	23.74%
Permits, Fees and Licenses	459,162	370,757	-19.25 %	1,030,694	35.97%
Fines and Forfeitures	355,842	524,315	47.34 %	1,116,350	46.97%
Revenue from Use of Money and Property	415,590	409,642	-1.43 %	1,082,729	37.83%
Grants-in-Aid Commonwealth	12,887,076	11,263,158	-12.60 %	45,687,395	24.65%
Grants-in-Aid Federal Government	-	-	0.00 %	34,300	0.00%
Charges for Services	1,043,905	1,280,404	22.66 %	4,353,761	29.41%
Miscellaneous Revenue	109,755	86,412	-21.27 %	295,045	29.29%
Internal Services	406,172	360,497	-11.25 %	2,302,219	15.66%
<b>Total</b>	<b>\$ 55,189,626</b>	<b>\$ 54,911,658</b>	<b>-0.50 %</b>	<b>\$ 193,544,364</b>	<b>28.37%</b>

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - Nov 30 2001-2002	July 1 - Nov 30 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 4,887,812	\$ 4,612,819	-5.63 %	\$ 7,008,174	\$ 11,620,993	39.69%
Judicial Administration	2,447,736	2,550,446	4.20 %	3,742,960	6,293,406	40.53%
Public Safety	19,351,321	18,552,813	-4.13 %	27,960,308	46,513,121	39.89%
Public Works	11,855,134	11,368,774	-4.10 %	13,593,911	24,962,685	45.54%
Health and Welfare	9,332,547	10,374,234	11.16 %	17,074,519	27,448,753	37.79%
Parks, Recreation and Cultural	2,228,843	2,007,429	-9.93 %	2,802,600	4,810,029	41.73%
Community Development	2,133,173	2,401,817	12.59 %	3,100,966	5,502,783	43.65%
Transfer to Debt Service Fund	8,002,205	12,016,455	50.16 %	4,830,587	16,847,042	71.33%
Transfer to School Fund	19,161,528	20,157,121	5.20 %	27,251,435	47,408,556	42.52%
Nondepartmental	8,866,750	3,605,463	-59.34 %	7,048,705	10,654,168	33.84%
<b>Total</b>	<b>\$ 88,267,049</b>	<b>\$ 87,647,371</b>	<b>-0.70 %</b>	<b>\$ 114,414,165</b>	<b>\$ 202,061,536</b>	<b>43.38%</b>

**Note:**

Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
SCHOOL FUND STATEMENT OF REVENUE**

<b>Revenue Source</b>	<b>Year to Date for the Period</b>			<b>Current Fiscal Year</b>	
	<b>July 1 - Nov 30 2001-2002</b>	<b>July 1 - Nov 30 2002-2003</b>	<b>Percentage of Change</b>	<b>Revised Revenue Estimates</b>	<b>Percent of Revenue Estimate Received</b>
State Sales Tax	\$ 2,201,694	\$ 1,852,124	-15.88 %	\$ 9,226,504	20.07 %
Grants-in-Aid Commonwealth	14,863,894	13,909,028	-6.42 %	43,236,695	32.17 %
Grants-in-Aid Federal Government	28,905	25,150	-12.99 %	115,298	21.81 %
Charges for Services	312,840	264,550	-15.44 %	2,127,968	12.43 %
Transfer from General Fund	19,161,528	20,157,121	5.20 %	47,408,556	42.52 %
Special Purpose Grants	3,998,329	3,526,813	-11.79 %	5,768,227	NA
<b>Total</b>	<b>\$ 40,567,190</b>	<b>\$ 39,734,786</b>	<b>-2.05 %</b>	<b>\$ 107,883,248</b>	<b>36.83 %</b>

**SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

<b>Expenditures</b>	<b>Year to Date for the Period</b>			<b>Current Fiscal Year</b>		
	<b>July 1 - Nov 30 2001-2002</b>	<b>July 1 - Nov 30 2002-2003</b>	<b>Percentage of Change</b>	<b>Unencumbered Balance</b>	<b>Revised Appropriations</b>	<b>Percent of Budget Obligated</b>
Instruction	\$ 25,044,251	\$ 27,358,847	9.24 %	\$ 48,585,518	\$ 75,944,365	36.02 %
General Support	1,375,021	1,579,008	14.84 %	2,441,109	4,020,117	39.28 %
Transportation	1,280,652	1,350,908	5.49 %	2,667,310	4,018,218	33.62 %
Operation and						
Maintenance of Plant	3,791,081	4,241,993	11.89 %	6,675,420	10,917,413	38.86 %
Facilities	1,287,205	1,673,693	30.03 %	414,873	2,088,566	80.14 %
Other Uses of Funds	5,323,609	5,422,063	1.85 %	1,647,656	7,069,719	76.69 %
Special Purpose Grants	5,666,687	5,768,227	1.79 %	-	5,768,227	NA
<b>Total</b>	<b>\$ 43,768,506</b>	<b>\$ 47,394,739</b>	<b>8.29 %</b>	<b>\$ 62,431,886</b>	<b>\$ 109,826,625</b>	<b>43.15 %</b>

**Notes:**

Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
SCHOOL FOOD SERVICES FUND STATEMENT OF REVENUE**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - Nov 30 2001-2002</u>	<u>July 1 - Nov 30 2002-2003</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
Grants-in-Aid Commonwealth	\$ 84,483	\$ 85,171	0.81 %	\$ 84,464	100.84 %
Grants-in-Aid Federal Government	442,743	503,098	13.63 %	2,747,730	18.31 %
Charges for Services	541,522	490,012	-9.51 %	1,689,923	29.00 %
<b>Total</b>	<b>\$ 1,068,748</b>	<b>\$ 1,078,281</b>	<b>0.89 %</b>	<b>\$ 4,522,117</b>	<b>23.84 %</b>

**SCHOOL FOOD SERVICES FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - Nov 30 2001-2002</u>	<u>July 1 - Nov 30 2002-2003</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Food Services	\$ 1,643,431	\$ 1,490,928	-9.28 %	\$ 3,034,563	\$ 4,525,491	32.95 %
Facilities	-	24,062	100.00 %	(9,616)	14,446	166.57 %
<b>Total</b>	<b>\$ 1,643,431</b>	<b>\$ 1,514,990</b>	<b>-7.82 %</b>	<b>\$ 3,024,947</b>	<b>\$ 4,539,937</b>	<b>33.37 %</b>

**CITY OF ROANOKE, VIRGINIA  
CAPITAL PROJECTS FUND  
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND  
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF NOVEMBER 30, 2002**

	<b>Budget</b>	<b>Expenditures To Date</b>	<b>Unexpended Balance</b>	<b>Outstanding Encumbrances</b>	<b>Unobligated Balance</b>
General Government	\$ 14,821,884	\$ 13,416,721	\$ 1,405,163	\$ 125,209	\$ 1,279,954
Flood Reduction	21,529,387	10,439,134	11,090,253	182,418	10,907,835
Economic Development	32,911,540	23,489,623	9,421,917	93,503	9,328,414
Community Development	6,851,643	5,024,388	1,827,255	923,888	903,367
Public Safety	8,524,471	7,217,471	1,307,000	14,100	1,292,900
Recreation	28,632,537	7,583,964	21,048,573	1,763,544	19,285,029
Streets and Bridges	26,331,040	22,164,485	4,166,555	1,602,362	2,564,193
Storm Drains	3,212,131	2,210,596	1,001,535	450,698	550,837
Traffic Engineering	5,276,952	4,867,989	408,963	285,256	123,707
Capital Improvement Reserve	7,540,186	-	7,540,186	-	7,540,186
<b>Total</b>	<b>\$ 155,631,771</b>	<b>\$ 96,414,371</b>	<b>\$ 59,217,400</b>	<b>\$ 5,440,978</b>	<b>\$ 53,776,422</b>

**CITY OF ROANOKE, VIRGINIA  
SCHOOL CAPITAL PROJECTS FUND  
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND  
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF NOVEMBER 30, 2002**

	<b>Budget</b>	<b>Expenditures To Date</b>	<b>Unexpended Balance</b>	<b>Outstanding Encumbrances</b>	<b>Unobligated Balance</b>
Elementary Schools Renovation	\$ 17,558,105	\$ 12,631,371	\$ 4,926,734	\$ 314,602	\$ 4,612,132
Middle Schools Renovation	2,840,307	2,770,711	69,596	29,048	40,548
High Schools Renovation	3,525,763	3,504,008	21,755	153	21,602
Transportation Facility Renovation	1,000,000	1,619	998,381	86,131	912,250
Interest Expense	262,929	241,584	21,345	-	21,345
Capital Improvement Reserve	1,051,271	-	1,051,271	-	1,051,271
<b>Total</b>	<b>\$ 26,238,375</b>	<b>\$ 19,149,293</b>	<b>\$ 7,089,082</b>	<b>\$ 429,934</b>	<b>\$ 6,659,148</b>

**CITY OF ROANOKE, VIRGINIA  
CAPITAL PROJECTS FUND  
COMPARATIVE STATEMENT OF REVENUES  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Interest Revenue:</b>		
Interest on Bond Proceeds	\$ 467,678	\$ 261,200
Interest on SunTrust Lease	451	8,959
Interest on Idle Working Capital	<u>135,581</u>	<u>260,667</u>
Total Interest Revenue	<u>603,710</u>	<u>530,826</u>
<b>Multi Year Revenues:</b>		
<b>Intergovernmental Revenue:</b>		
Federal Government:		
FEMA - Regional Mitigation Project	-	19,223
Commonwealth:		
Passenger Station Improvement - ISTE A	191,554	-
VDES - Garden City Mitigation Project	-	10,143
Virginia Transportation Museum - ISTE A	357,791	16,176
Railside Linear Walk - ISTE A	<u>135,386</u>	<u>-</u>
Total Intergovernmental Revenue	<u>684,731</u>	<u>45,542</u>
<b>Revenue from Third Parties:</b>		
Advance Stores Governor's Opportunity Fund Agreement	170,000	-
Carilion Health Systems - Land Sale	-	375,000
Trigon Insurance - Land Sale	-	100
Times-World Corporation - Land Sale	<u>-</u>	<u>100</u>
Total Revenue from Third Parties	<u>170,000</u>	<u>375,200</u>
<b>Other Revenue:</b>		
Transfers from General Fund	<u>1,284,023</u>	<u>5,147,517</u>
Total Other Revenue	<u>1,284,023</u>	<u>5,147,517</u>
<b>Total</b>	<u><u>\$ 2,742,464</u></u>	<u><u>\$ 6,099,085</u></u>

**CITY OF ROANOKE, VIRGINIA  
WATER FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Commercial Sales	\$ 1,752,826	\$ 1,671,069
Domestic Sales	1,259,981	1,195,128
Industrial Sales	238,764	318,016
Town of Vinton	7,714	8,699
City of Salem	14,629	10,238
County of Botetourt	91,834	80,164
County of Bedford	2,853	6,893
Customer Services	165,409	304,107
Charges for Services	<u>1,073,029</u>	<u>1,050,938</u>
<b>Total Operating Revenues</b>	<u>4,607,039</u>	<u>4,645,252</u>
<b>Operating Expenses</b>		
Personal Services	1,756,555	1,733,448
Operating Expenses	1,851,881	1,610,555
Purchased Water - Roanoke County	875,212	-
Purchased Water - City of Salem	300,575	-
Depreciation	<u>697,305</u>	<u>699,832</u>
<b>Total Operating Expenses</b>	<u>5,481,528</u>	<u>4,043,835</u>
<b>Operating Income (Loss)</b>	<u>(874,489)</u>	<u>601,417</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	45,642	94,130
Rent	47,330	30,360
Miscellaneous Revenue	19,053	42,223
Transfer to Department of Technology	(41,146)	-
Interest and Fiscal Charges	<u>(399,146)</u>	<u>(430,729)</u>
<b>Net Nonoperating Expenses</b>	<u>(328,267)</u>	<u>(264,016)</u>
<b>Net Income (Loss)</b>	<u><u>\$ (1,202,756)</u></u>	<u><u>\$ 337,401</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
WATER POLLUTION CONTROL FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Sewage Charges - City	\$ 2,282,185	\$ 2,538,455
Sewage Charges - Roanoke County	326,502	259,746
Sewage Charges - Vinton	73,544	74,985
Sewage Charges - Salem	227,932	268,085
Sewage Charges - Botetourt County	59,839	48,678
Customer Services	140,357	60,951
Interfund Services	<u>71,057</u>	<u>88,728</u>
<b>Total Operating Revenues</b>	<u>3,181,416</u>	<u>3,339,628</u>
<b>Operating Expenses</b>		
Personal Services	861,097	883,424
Operating Expenses	1,643,626	2,339,040
Depreciation	<u>785,598</u>	<u>713,751</u>
<b>Total Operating Expenses</b>	<u>3,290,321</u>	<u>3,936,215</u>
<b>Operating Loss</b>	<u>(108,905)</u>	<u>(596,587)</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	66,929	92,524
Miscellaneous Revenue	320	91
Capital Contributions - Other Jurisdictions	14,205	-
Transfer to Department of Technology	(27,248)	-
Interest and Fiscal Charges	<u>(309,954)</u>	<u>(316,490)</u>
<b>Net Nonoperating Expenses</b>	<u>(255,748)</u>	<u>(223,875)</u>
<b>Net Loss</b>	<u><u>\$ (364,653)</u></u>	<u><u>\$ (820,462)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
CIVIC CENTER FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Rentals	\$ 102,215	\$ 99,122
Event Expenses	55,412	34,015
Display Advertising	-	50,200
Admissions Tax	75,113	26,385
Electrical Fees	4,970	8,410
Novelty Fees	17,433	6,006
Facility Surcharge	31,693	39,994
Charge Card Fees	1,740	17,383
Commissions	35,160	1,038
Catering/Concessions	156,259	231,376
Other	5,458	10,140
<b>Total Operating Revenues</b>	<u>485,453</u>	<u>524,069</u>
<b>Operating Expenses</b>		
Personal Services	710,613	703,261
Operating Expenses	783,245	596,348
Depreciation	273,765	207,663
<b>Total Operating Expenses</b>	<u>1,767,623</u>	<u>1,507,272</u>
<b>Operating Loss</b>	<u>(1,282,170)</u>	<u>(983,203)</u>
<b>Nonoperating Revenues</b>		
Interest on Investments	14,547	10,711
Transfer from General Fund	200,000	200,000
Transfer from Capital Projects Fund	-	385,000
Transfer to Debt Service Fund	(50,546)	-
Transfer to Department of Technology Fund	(47,754)	-
Miscellaneous	236	408
<b>Total Nonoperating Revenues</b>	<u>116,483</u>	<u>596,119</u>
<b>Net Loss</b>	<u><u>\$ (1,165,687)</u></u>	<u><u>\$ (387,084)</u></u>



**CITY OF ROANOKE, VIRGINIA  
PARKING FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Century Station Parking Garage	\$ 157,477	\$ 159,217
Williamson Road Parking Garage	\$ 178,642	183,198
Market Square Parking Garage	94,993	92,324
Church Avenue Parking Garage	180,145	188,887
Tower Parking Garage	161,128	153,416
Williamson Road Surface Lots	31,573	30,824
Gainsboro Parking Garage	14,267	-
Norfolk Avenue Surface Lot	23,149	16,090
Gainsboro Surface Lot	15,171	10,081
Other Surface Lots	1,388	-
<b>Total Operating Revenues</b>	<u>857,933</u>	<u>834,037</u>
<b>Operating Expenses</b>		
Operating Expenses	328,918	248,570
Depreciation	232,009	227,187
<b>Total Operating Expenses</b>	<u>560,927</u>	<u>475,757</u>
<b>Operating Income</b>	<u>297,006</u>	<u>358,280</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	4,790	5,676
Transfer From General Fund	115,000	32,000
Miscellaneous	9,855	932
Interest and Fiscal Charges	(244,921)	(207,134)
<b>Net Nonoperating Expenses</b>	<u>(115,276)</u>	<u>(168,526)</u>
<b>Net Income</b>	<u><u>\$ 181,730</u></u>	<u><u>\$ 189,754</u></u>

**CITY OF ROANOKE, VIRGINIA  
HOTEL ROANOKE CONFERENCE CENTER COMMISSION  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDED NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Expenses</b>		
Salaries and Fringe Benefits	19,887	38,840
Fees for Professional Services	29,592	26,458
Administrative Expenses	<u>1,547</u>	<u>35,473</u>
<b>Total Operating Expenses</b>	<u>51,026</u>	<u>100,771</u>
<b>Nonoperating Revenues (Expenses)</b>		
Contributions from City of Roanoke	62,500	87,500
Contributions from Virginia Tech	62,500	87,500
Construction Repairs (2)	-	15,409
Interest on Investments	<u>31,590</u>	<u>58,388</u>
<b>Net Nonoperating Revenues</b>	<u>156,590</u>	<u>248,797</u>
<b>Net Income Before Depreciation</b>	<b>105,564</b>	<b>148,026</b>
Depreciation Expense	<u>(213,015)</u>	<u>(189,413)</u>
<b>Net Loss</b>	<b>\$ <u>(107,451)</u></b>	<b>\$ <u>(41,387)</u></b>

**Notes to Financial Statements:**

- (1) Financial information represents activity of the Commission as accounted for in the City's financial records.
- (2) Expense items are normally shown with brackets. Reversal of year end accruals without adequate offsetting payment cause construction expenses to be positive through November 30, 2001.

**CITY OF ROANOKE, VIRGINIA  
INTERNAL SERVICE FUNDS  
COMPARATIVE INCOME STATEMENT  
FOR THE FIVE MONTHS ENDING NOVEMBER 30, 2002**

				TOTALS	
	Department of Technology	Fleet Management	Risk Management	FY 2003	FY 2002
<b>Operating Revenues</b>					
Charges for Services	\$ 1,704,795	\$ 1,783,667	\$ 4,326,664	\$ 7,815,126	\$ 7,354,987
<b>Total Operating Revenues</b>	<b>1,704,795</b>	<b>1,783,667</b>	<b>4,326,664</b>	<b>7,815,126</b>	<b>7,354,987</b>
<b>Operating Expenses</b>					
Personal Services	904,358	514,931	61,373	1,480,662	1,511,646
Operating Expenses	530,527	805,204	4,766,569	6,102,300	5,232,179
Depreciation	302,626	870,250	-	1,172,876	1,017,041
<b>Total Operating Expenses</b>	<b>1,737,511</b>	<b>2,190,385</b>	<b>4,827,942</b>	<b>8,755,838</b>	<b>7,760,866</b>
<b>Operating Loss</b>	<b>(32,716)</b>	<b>(406,718)</b>	<b>(501,278)</b>	<b>(940,712)</b>	<b>(405,879)</b>
<b>Nonoperating Revenues (Expenses)</b>					
Interest Revenue	39,833	8,351	87,665	135,849	243,774
Interest Expense	(3,611)	(32,357)	-	(35,968)	(28,053)
Transfers From Other Funds	634,753	538,577	-	1,173,330	2,793,442
Other Revenue	-	-	-	-	10,184
<b>Net Nonoperating Revenues</b>	<b>670,975</b>	<b>514,571</b>	<b>87,665</b>	<b>1,273,211</b>	<b>3,019,347</b>
<b>Net Income (Loss)</b>	<b>\$ 638,259</b>	<b>\$ 107,853</b>	<b>\$ (413,613)</b>	<b>\$ 332,499</b>	<b>\$ 2,613,468</b>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA**  
CITY TREASURER'S OFFICE  
GENERAL STATEMENT OF ACCOUNTABILITY  
FOR THE MONTH ENDED NOVEMBER 30, 2002

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR  
THE FUNDS OF SAID CITY FOR THE MONTH ENDED NOVEMBER 30, 2002.

FUND	BALANCE AT OCT 31, 2002	RECEIPTS	DISBURSEMENTS	BALANCE AT NOV 30, 2002	BALANCE AT NOV 30, 2001
GENERAL	\$2,309,258.47	\$6,494,741.66	\$14,202,759.20	(\$5,398,759.07)	(\$2,838,785.44)
WATER	5,467,114.14	621,299.95	568,316.23	5,520,097.86	6,856,400.52
WATER POLLUTION CONTROL	9,477,160.39	1,363,176.33	1,947,078.16	8,893,258.56	7,026,149.03
CIVIC FACILITIES	2,729,045.34	42,634.07	457,448.77	2,314,230.64	549,732.69
PARKING	140,166.65	161,860.09	27,153.77	274,872.97	380,553.38
CAPITAL PROJECTS	60,448,745.32	93,479.22	2,087,272.91	58,454,951.63	33,785,439.78
CONFERENCE CENTER	4,509,170.37	2,693.85	8,579.68	4,503,284.54	4,099,344.39
RKE VALLEY DETENTION COMM	2,606.00	0.00	2,606.00	0.00	2,521,293.75
DEBT SERVICE	14,345,545.01	65,657.04	0.00	14,411,202.05	13,335,005.63
DEPT OF TECHNOLOGY	5,571,016.42	325,448.71	268,669.83	5,627,795.30	5,966,909.96
MATERIALS CONTROL	0.00	0.00	0.00	0.00	284,136.02
FLEET MANAGEMENT	1,664,270.48	142,393.93	270,372.14	1,536,292.27	1,100,889.08
PAYROLL	(12,114,605.15)	15,375,407.74	17,198,289.93	(13,937,487.34)	(12,337,232.68)
RISK MANAGEMENT	11,567,758.62	989,058.53	764,608.65	11,792,208.50	12,390,030.74
PENSION	909,998.37	1,526,791.28	1,539,000.24	897,789.41	(209,200.13)
SCHOOL FUND	12,967,497.07	2,142,889.90	6,590,242.74	8,520,144.23	10,591,316.79
SCHOOL CAPITAL PROJECTS	8,080,314.68	802,611.31	367.20	8,882,558.79	2,695,220.14
SCHOOL FOOD SERVICE	2,145.28	494,233.38	376,597.09	119,781.57	(38,639.12)
FDETC	108,333.15	136,944.00	105,455.53	139,821.62	172,516.23
GRANT	731,418.06	1,040,796.23	377,838.23	1,394,376.06	944,143.85
<b>TOTAL</b>	<b>\$128,916,958.67</b>	<b>\$31,822,117.22</b>	<b>\$46,792,656.30</b>	<b>\$113,946,419.59</b>	<b>\$87,275,224.61</b>

**CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED NOVEMBER 30, 2002.  
THAT SAID FOREGOING:

**CASH:**

CASH IN HAND	\$13,866.18
CASH IN BANK	3,304,374.29

**INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:**

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	12,463,381.50
LOCAL GOVERNMENT INVESTMENT POOL	27,146,086.65
MONEY MANAGEMENT ACCOUNT	10,301,399.84
REPURCHASE AGREEMENTS	5,000,000.00
U. S. AGENCIES	10,904,125.00
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	44,813,186.13
<b>TOTAL</b>	<b>\$113,946,419.59</b>

DATE: DECEMBER 11, 2002

  
DAVID C. ANDERSON, TREASURER

**CITY OF ROANOKE PENSION PLAN  
STATEMENT OF CHANGES IN PLAN NET ASSETS  
FOR THE FIVE MONTHS ENDED NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b><u>Additions:</u></b>		
Employer Contributions	\$ 1,683,411	\$ 1,583,316
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	(9,436,426)	(5,795,769)
Interest and Dividend Income	730,969	1,184,359
Total Investment Income (Loss)	(8,705,457)	(4,611,410)
Less Investment Expense	91,427	(27,521) (1)
Net Investment Income (Loss)	(8,796,884)	(4,583,889)
Total Additions (Deductions)	<u>\$ (7,113,473)</u>	<u>\$ (3,000,573)</u>
 <b><u>Deductions</u></b>		
Benefits Paid to Participants	\$ 6,815,751	\$ 6,077,742
Administrative Expenses	36,505	18,343
Total Deductions	<u>6,852,256</u>	<u>6,096,085</u>
 Net Increase (Decrease)	 (13,965,729)	 (9,096,658)
 <b>Net Assets Held in Trust for Pension Benefits:</b>		
 Fund Balance July 1	 <u>289,534,315</u>	 <u>326,337,980</u>
Fund Balance November 30	<u><u>\$275,568,586</u></u>	<u><u>\$317,241,322</u></u>

(1) Negative amount reflects the reversal of accrual accounting entries made for fiscal year-end financial reporting purposes.

**CITY OF ROANOKE PENSION PLAN  
BALANCE SHEET  
NOVEMBER 30, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<b><u>Assets</u></b>		
Cash	\$ 891,829	\$ (209,353)
Investments, at Fair Value	276,051,160	318,672,618
Due from Other Funds	1,590	1,749
Other Assets	<u>5,785</u>	<u>5,434</u>
<b>Total Assets</b>	<b><u>\$ 276,950,364</u></b>	<b><u>\$ 318,470,448</u></b>
 <b><u>Liabilities and Fund Balance</u></b>		
<b>Liabilities:</b>		
Due to Other Funds	\$ 1,373,350	\$ 1,226,673
Accounts Payable	<u>8,428</u>	<u>2,453</u>
<b>Total Liabilities</b>	<b><u>1,381,778</u></b>	<b><u>1,229,126</u></b>
 <b>Fund Balance:</b>		
Fund Balance, July 1	289,534,315	326,337,980
Net Gain (Loss) - Year to Date	<u>(13,965,729)</u>	<u>(9,096,658)</u>
<b>Total Fund Balance</b>	<b><u>275,568,586</u></b>	<b><u>317,241,322</u></b>
 <b>Total Liabilities and Fund Balance</b>	<b><u>\$ 276,950,364</u></b>	<b><u>\$ 318,470,448</u></b>

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending Paragraph 2(a) of Resolution No. 35958-070102, which established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and terminating June 30, 2003, in order to change the time of commencement of the regular meetings of City Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

WHEREAS, Resolution No. 35958-070102, adopted on July 1, 2002, established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and ending June 30, 2003; and

WHEREAS, it is the desire of City Council to change the time of commencement of the regular meetings scheduled to be held on the first Monday of each month from 12:15 p.m. to 9:00 a.m.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Paragraph 2(a) of Resolution No. 35958-070102, adopted on July 1, 2002, is hereby amended to read and provide as follows:

2. For such fiscal year, City Council shall hold regular meetings on the first, third and fifth Mondays of each month, at the following times of commencement:

(a) Unless otherwise provided by resolution of Council, each regular meeting on the first Monday in each month shall commence at 9:00 a.m. for the conduct of informal meetings, work sessions or closed meetings. Thereafter Council shall take up the regular agenda at 2:00 p.m. Council may recess between the 9:00 a.m. session and the 2:00 p.m. session.

\* \* \*

2. All other provisions relating to establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and ending June 30, 2003, contained in Resolution No. 35958-070102, shall remain unchanged and in full force and effect.

ATTEST:

City Clerk.